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04 Yozgat Trial IV

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Yozgad Trial II copy

101

VOLUME (2) (A)

Turkey.

Military.

Decipher from Admiral Calthorpe (Constantinople) April 17th.

D. 7:30 p.m. April 17th.

R. 3:00 p.m. " 20th.

No. 789.

Kemal, formerly Governor of Baghazlian and later of Yozgat, was hanged on April 10th by sentence of special *of a* Court-Martial now trying persons responsible for deportations and massacres of Christians during war.

This is ^{the} first instance of condign punishment for participation in massacres. It remains to be seen whether *the* Government will have courage to take equally drastic action on any large scale especially in regard to highly placed criminals.

Kemal's remains were given to relatives and interment was made ^{the} occasion of demonstration of sympathy while a large collection ^{was} ~~has been~~ made for his children.

The influence still exercised by Committee is shown by *the* widespread tendency ~~to~~ ^{to} regard him as first martyr to a good cause. Grand Vizier expresses horror ~~but it is probable~~ ^{for the} ~~many even of his own supporters regard~~ ^{of} demonstration and states his intention to punish them, but it is probable *that* many even of his own supporters regard executions as necessary concession to Entente rather than as punishment justly meted out to criminals.

British High Commission

Constantinople.

21st April 1919.

No. 567/1843.

Sir,

With reference to my telegram No 789 of 17th April, I have the honour to attach herewith a copy of a report from the Military Control Officer at Kadikeuy, a suburb of Constantinople, regarding the funeral of Kemal Bey, Mutessarif of Boghazlian, who was hanged on the 10th April by sentence of special Court Martial on account of responsibility for, and participation in, Armenian massacres.

2. Kemal Bey was the first culprit hanged for an offence of the nature committed during war.

3. The action of the Court Martial in condemning him to death was commendable, although the Government displayed a certain lack of courage in giving effect to the sentence.

4. Kemal Bey instead of being hanged at dawn as is customary, was hanged in the afternoon, in a manner which showed a desire to get through an unpleasant duty as unostentatiously as possible.

5. The disaffected element profiting by this attitude took the opportunity of manifesting their own sentiments on the occasion of his funeral. That the sentiments of those participating in the funeral ceremony represented the sentiments of the bulk of

His Majesty's Principal Secretary of State
for Foreign Affairs

the Moslem population, there is, I fear, little doubt.

6. The perpetrator of crimes, the nature of which would send a shudder through any civilized Community, was treated as a hero and martyr amongst Moslems; but then, his victims were Christians.

I have the honour to be,

Sir,

Your obedient Servant,

Admiral Calthorpe

~~High~~ High Commissioner.

Enclosure.

5

C O P Y.

M. 59.

Captain Hoyland,
Constantinople.

General Staff Intelligence,
General Headquarters (for information).

The funeral of Kemal Bey, Moutessarif of Boghazlian and Yozgat, notorious for his massacres of Armenians, took place today at Kadikuey at 12 o'clock with great pomp and ceremony. In front of the funeral "cortege" there was a body of medical students, police, and numerous Mollas. It is generally the custom for the bearers to carry the bier on their shoulders, but in order to give greater importance to the ceremony, the bier was borne at arm's length above the head. Numerous Young Turks were present. A considerable amount of photographs were taken, and more than 1000 invitations were issued, y things which are unheard of in the Mahommedan religion. It is evident that this was intentional-
Committee of/
ly prepared to make the Union and/Progress Party fully realise that it had lost one of its members.

The weakness of the present Government in allowing a funeral of this kind to take place is unpardonable, especially as the man is one of no importance and a criminal. It is stated that the Unionists spent a considerable amount of money in order to obtain permission to celebrate the funeral with all the pomp and ceremony possible. No Christian was present.

Quite contrary to the precepts of the Mohammedan religion there were wreaths with the following inscription:

"To the innocent victim of the nation".

It is stated that although the Police Authorities in Constantinople knew that this demonstration was going to take place, no action was taken to stop it.

It is evident that this was a hostile demonstration directed against the present Government.

12.4.19

(Signed)...E. La Fontaine

Captain

Control Officer, Kadikeuy.

G.S.I.... G.H.Q

Submitted.

I am reliably informed that Kemal was not described as "Innocent victim of the nation" but "the innocent Islamic Martyr".

(Signed)... H.D. Hoyland.

Captain.

15.4.19

TRANSLATION

from page 5, Report of Vehib Pasha

1- The deportation of the Armenians was carried out against humanity and civilization, and against the honor of the Government.

The massacre and the extermination of the Armenians, the plundering and looting of their possessions and belongings, being the result of the decisions made by the Central Committee of the Union and Progress Party of Young Turks, Dr. Behaeddin Shakir Bey formed gangs, butchers of men, and used them for the extermination of the Armenians.

The chief officials of the government carried out the instructions communicated by Behaeddin Shakir Bey.

It is evident that all the disasters and troubles in the zone under the jurisdiction of the Third Army were provoked by the activities of Behaeddin Shakir Bey.

In a motor car he was running from one center to another and ~~communications~~^{ed} orally secret instructions and decisions to the various Clubs of the Union and Progress Party and to the government leaders of the localities. (1)

Some of them were saved from gallows and impalement, some others, gendarmes and policemen, with bloodthirsty eyes

1. The zone of the Third Army comprised the Eastern provinces of Erzerum, Trebizond, Bitlis, Van, Diarbekir, / Mamouret-ul-Aziz, Sivas and the independent district of Janik.

and hands stained with blood, were forced to commit crimes in a perfect obedience as they were protected by the Government, against defenceless human masses.

The atrocities were committed according to a pre-established program and for absolutely pre-determined goals, planned and organized by the delegates of the Union and Progress Party, in the central Clubs, and later on carried out by the government officials as docile instruments of the aspirations and desires of the unlawful organization without any scruple.

Also, the Attorneys General, and law-officers, while learning and witnessing the existence of such crimes and atrocities, did not carry out their duties, and have adopted an indifference^t attitude, thereby they become accomplices, and therefore they have to be considered as tolerating crimes to be committed and so, they encouraged the criminals.²

2- This text from the report of Vehib Pasha, is partly quoted in the indictment prepared by the Presecutor of the Court Martial, and read at the session of the Court Martial on April 27, 1919, at the presence of both War cabinet members of Said Halim Pasha (1914-1917) and Ahmed Talaat Pasha (1917 February - October 1919) and the leaders of the Union and Progress Party of Young Turks.

See: Takvim-i Vakayi, official Journal, No. 3540, page 7, 1st column 2.

VEHIB PASHA

After the occupation of Erzerum by Russian Army, Mehmed Vehib Pasha was designated commander-in-chief of the Third Ottoman Army on the front of the Caucasus since February 1916 to October 1918.

Vehib Pasha's military jurisdiction extended on the Eastern provinces such as Erzerum, Trebizond, Bitlis, Van, Diarbekir, Mamouret-ul-Aziz, Sivas and the independent district of Janik.

July 1916, by order of the Turkish authorities, specifically Captain Kör Nuri Bey massacred more than three thousand of Armenian young soldiers from the workers battalion, at KAYA-DIBI.

Vehib Pasha had Nuri Bey sentenced to death by the Military Court and hanged.

After armistice, Mazhar Bey, President of the Inquiry Commission in Constantinople, issued written order, and Vehib Pasha delivered an official report on December 5, 1918.

Vehib Pasha's report was read in the session of the Court Martial No. 1 presided over by Mustafa Nazim Pasha, on March 29, 1919. 1

Paragraphs from the Vehib Pasha's report are quoted in the official journal of the Turkish Government No. 3540, published May 5, 1919.

L. La Renaissance, No. 102, Sunday, March 30, 1919.

5-10, 2, 19

TO THE HONOURABLE MUTESSARIF OF YOZGAT

OUR ANSWER TO YOUR NOTE N^o.1919, sub N^o.

According to the telegram of 13th May 1915 N^o.414, of the military section of Cesarea, communicating the order relative to the dispatch to the battle front of the condemned criminals to be found in the prison of Yozgat, a commission constituted to this effect examined the legal statute of these (criminals). Their registration took place in the prison of Yozgat. The number of these imprisoned Moslems has been 65; I exempted them and sent them to Tchorum the 15th May 1915 according to the instructions that I had received.

The above-mentioned persons are inscribed in the prison's administration's register. Not one person can be found in this group having aptitudes for the gendarmerie or the military career.

At the time these persons were dispatched to Tchorum, arms were distributed to them. It has been learn^{ed} that at Tchorum the 'SPECIAL ORGANIZATION' was constituted, but I do not know who set it up, nor what service it was destined for.

5th February, 1919.

President of the Recruiting Office of Yozgat:

Commander Tewfik.

THE ANSWER OF REMZI EFFENDI,
EX-JUGE OF THE SUB PREFECTURE OF YOZGAT

I have taken your note into consideration. I cannot recall of whom consisted the group of condemned criminals, liberated from the Yozgat prison during the year 1915.

At the time that Mouhieddin Pasha held a provisional position at Yozgat, a commission was formed by order of the Minister of Justice consisting of Tewfik Bey former Attorney General, Salim Bey former President of the Recruiting Office and your servant.

After the medical examination, the liberation formalities of the above-mentioned persons took place as though they were soldiers; we subsequently learnt^{ed} that these criminals had been sent to augment the number of bands of Tchorum.

I do not know if they were registered as gendarmes, because the formalities were fulfilled by the administrative council. Moreover, I am also unaware of the details of their liberation. Here is what I have heard: Ahmed, President of the UNION & PROGRESS of Yozgat and the members Tewfik Effendi, ex-commander of the gendarmerie, Vehbi Effendi, former chief accountant, Hamza Effendi ex-president of the Penal Court, Mehmed Fayik Effendi, in charge of the orphans, Loutfi Effendi, former Attorney general, Nazmi Effendi, teacher at the Sultanieh school, formed the commission.

I do not know if there were other persons, because I was not amongst them. Similarly, I do not know of whom consisted the Central and Executive Committee, *constituted*.

Nedjati Bey, responsible secretary of the UNION & PROGRESS of Ankara, had come here three days before the deportation and had been the host of the president of the Municipality, in his own home.

After the exile of the first convoy, he left for Tchorum, then he returned spending one night at the home of the President of the Municipality and the morning he returned to Ankara.

After the exile, riding in a carriage in the company of Nedjmaddin Bey, Prefect of Ankara, he had been the host, for one night, of Abdel Djabar Zade Mehmed Bey. I do not know anything else.

5th February, 1919.

Former Judge of Yozgat,

Moustafa Ramzi.

TO THE TELEGRAPH ADMINISTRATION OF YOZGAT:
=====

The first convoy of Yozgat was dispatched into exile towards Sivas, by Nedjati Bey, responsible secretary of the UNION & PROGRESS at Ankara. It was learnt ^{ed} that in order to secure the well-being ⁽¹⁾ of this convoy a service was set in order; ⁽²⁾ to whom was it addressed in Sivas? You are charged with bringing us the details thereof.

9th February 1919.

Mutessarif of Yozgat,

L i c e n

(1) The expression 'to secure the well-being' simply means to massacre.

(2) By service is meant that a telea

S U P P L E M E N T A R Y

A N S W E R

One evening that Nedjati Bey, secretary of the UNION & PROGRESS was in Tchoum, he asked one of my colleagues to put him in communication with Sivas. Forthwith, he was put in communication with the centre of Sivas. He called Ghani Bey, secretary of the UNION & PROGRESS of Sivas to the phone and in my presence, after the customary salutation, Nedjati addressed him in the following terms:

'In view of the good services rendered by the first convoy of the deported Armenians of Yozgat, as well as their comfortable state, I request of you to secure their "well-being without fail"⁽¹⁾

I testify that I have heard this oral declaration.

10th February 1919

Post Office Director of Yozgat,

H I L M I

(1) "To secure the well-being" simply means to massacre.

COPY OF THE FIRST ANSWER TO THE NOTE OF THE SUB PREFECTURE OF YOZGAT

DATED THE 10TH FEBRUARY, 1919.

It seems to me that by an official declaration of 1915, as far as I remember, I learnt^{ed} that a commission liberated the condemned criminals from the Yozgat prison. They were accepted in the "SPECIAL ORGANIZATION" of Tchourem and dispatched to Tchourem.

I am ignorant as regards details about the liberated criminals, that is to say their number, their origin and their identity.

10th February, 1919.

TO THE COMMISSARIAT OF YOZGAT

Before and after the deportation, how many times did Nedjati Bey, secretary of the Union & Progress, come to Yozgat, whose host was he and how many days did he stay? Who was the president and the members of the UNION & PROGRESS of Yozgat and who were the members of the Executive Committee at that period? I request of you to give us answer on this matter in keeping with a telegraphic order of the President of the Court Martial.

The Mutesarrif of Yozgat,

L i o n

SUPPLEMENTARY ANSWER

Nedjati Bey came to Yozgat before the deportation, stayed five days in the house of Ahmed Bey, Municipality director, then betook himself to Tchourem. Fifteen days later, that is to say, during the deportations, he again stayed 5-6 days in the house of the Municipality director and then he went back.

The President of the UNION & PROGRESS Club was Ahmed Bey, Municipality Director, the members were Bakerdji Mahmoud, Mehmed in charge of the orphans, Feyaz functionary of the Wakfs, Boz Telepi Mehmed, Bash Tchavoush Zade Mehmed, Tewfik gendarmerie commander, Assem former functionary, deceased, of the bank, President Hamza, Tewfik Zade Ahmed, Vehbi, accountant, Loutfi registration instructor, Shukri Regie Director, Turbidas Assem, who formed the central administration and the executive committee.

5th February, 1919;

Commissioner of Yozgat,

A h m e d.

TO EDIB BEY, FORMER MUTESSARIF OF SELEVKIE

AT Y O Z G A T

Excellency,

We also have learnt^{ed} that during the deportations of the Armenians, Nedjati Bey, responsible secretary of the UNION & PROGRESS of Ankara, has made certain declarations to Djemal Bey, concerning the extermination of the Armenians and that Djemal Bey would not submit to the official proposal (of massacring the Armenians) made orally, that Nedjati Bey preferred threats and that Djemal Bey has spoken to you on this subject.

We request of you to let us have supplementary information on this matter.

9th February, 1919.

Mutessarif of Yozgat,

L i o u n.

SUPPLEMENTARY ANSWER

As far as I recall, we had received the news that the order for the exile and deportation of Armenians had been communicated and for the implementation of this order, Nedjati Bey, responsible secretary of the UNION & PROGRESS of Ankara had come to Yozgat.

Djemal Bey, former Mutessarif of Yozgat, had one day come to my home and he revealed to me that Nedjati Bey had told him the decision to exterminate the Armenians of Yozgat had been taken. Djemal Bey had answered him: 'The instructions of the government are to exile the Armenians to designated localities' and had reminded Nedjati Bey that he himself did not wish to act contrary to government orders and that he was absolutely opposed to the extermination (of the Armenians).

Whereupon Nedjati Bey had said to him: 'Even though the order given (by the government) should carry the apparent meaning of exiling the Armenians, the aim of the directing committee of the UNION & PROGRESS and of the Minister of the Interior is to exterminate the Armenians with the intention of rendering service to the fatherland'.

Djemal Bey told me once again, confidentially, that he had categorically opposed ~~to~~ the proposal of Nedjati Bey. I recall that Djemal Bey had stated to me that it was not natural for those who believed in the hereafter to dare commit such misdeeds.

10th February, 1919.

Ex-Mutessarif of Selevkie,

E D I B.

PERSONS WHO, CONDEMNED FOR VARIOUS CRIMES HAVE BEEN LIBERATED
AND ARMED.

1. ICH AGHASSE OGHLOU ABDEL KADER, of the village of Kara Maghara:
Condemned for murder.
2. SHEHIRLI OMAR OGHLOU MOUSTAPA, of the village of Tchoukour Hesar:
Condemned for murder.
3. KALEPDJE KER MEHMED OGHLOU MEHMED, of the village of Kouri Huyuk:
Condemned for murder.
4. EMIL OGHLOU IDJABI OSMAN, of the village of Tekmezir:
Condemned for murder.
5. HADJI OGHLOU KAYREDDIN, of the village of Kourou Huyuk:
Condemned for murder.
6. MEHMED BEY OGHLOU AHMED, of the village of Sheikher:
Condemned for murder.
7. HODJA IBISH OGHLOU IBRAHIM, of the village of Kanledja,
Condemned for sabotage.
8. USSUF OGHLOU EUMER OSMAN, of the village of Davoulbagh:
Condemned for murder.

Such as the list of the eight individuals, who condemned for various crimes were delivered the 15th of May 1915 to the Recruiting Office of Yozgat, in execution of instructions of the Interior for their registration in the cadres of the new organization, with a view to integrating them in the army.

THE CONDEMNED CRIMINALS WHO HAVE BEEN LIBERATED.

1. KARA KHALIL OGHLOU MOHAMED ALI, of the village of Kentimhol
of Yozgat, Condemned to 15 years for murder.
2. BADEK OGHLOU KHALIL, of the village of Geukdagi of Boghazlian,
 Condemned to 15 years for murder.
3. VEHI KEHIA OGHLOU MUSTAFA, of the village of Rytbegik of Yozgat:
 Condemned to 15 years in prison for murder.
4. HUSSEIN OGHLOU MOHAMED MAGHDOUNEMEK, of the village of Alite-
nourgi of Boghazlian, Condemned to 15 years in prison for murder.
5. KOTCH OGHLAN OGHLOU AHMED, of the village of Iki Kechla of
Boghazlian - Condemned to 15 years in prison for murder.
6. SEYID AHMED OGHLOU MOUHAGIR GHAZI, of the village of Deimish
of Ankara - Condemned to 15 years in prison for murder.
7. YOUSSEUF OGHLOU YOUSSEUF, of the village of Sarenen Veran,
 Condemned to 15 years in prison for murder.
8. YACQUE OGHLOU ALY, of the village of Sorkoun Akoluk:
 Condemned to 15 years in prison for murder.
9. EUTEBE OGHLOU HUSSEIN, of the village of Sorkoun Kurek:
 Condemned to 15 years in prison for murder.
10. VEHI KEHIA OGHLOU ABDALLAH, of the village of Karieh:
 Condemned to 15 years in prison for murder.
11. SINDEN SOFOU OGHLOU YEHIA, of the village of Sorkoun Karakez:
 Condemned to 15 years in prison for murder.
12. SINDEN ISLAM OGHLOU DOURMOUSH, of the village of Karashar of
Ankara - Condemned to 15 years in prison for murder.
13. HAKKI KEHIA OGHLOU MOUSTAFA, of the village of Topdjou of Yozgat:
 Condemned to 15 years in prison for murder.
14. TIMOURDJI OGHLOU DJINEH ALY, of the village of Medjid Euznik
Arkoghlan - Condemned to 15 years in prison for murder.

15. IDISH OGHLOU MUSTAPHA, of the village of Yoghoun Hissar of
Yozgat - Condemned to 15 years of prison for murder.
16. ONBASHI OGHLOU MOHAMED, of the village of Rubek of Akdagh-Maden:
Condemned to 15 years of prison for murder.
17. IMAM OGHLOU KHALID, of the village of Igirli of Yozgat:
Condemned to 15 years of prison for murder.
18. ZAFER OULLAH OGHLOU HUSSEIN NIHAD, of the village of Djaferli:
Condemned to 15 years of prison for murder.
19. FOURROUNDJAGHI OGHLOU SAAD ALY,
Condemned to 15 years of prison for murder.
20. HADJI MAKEDOUMEN RIZA, of Ouzoun village:
Condemned to 15 years of prison for murder.
21. KURDE PEHLIVAN OGHLOU ABDALLAH, of Karza Kara village:
Condemned to 15 years of prison for murder.
22. KARA KELE OGHLOU HASSAN HUSSEIN, of Elma Hagiloubale village:
Condemned to 14 years of prison for murder.
23. EMIRZE OGHLOU ELVAN, native of Endil village, of Tchououn kaza:
Condemned to 14 years of prison for murder.
24. ISMAIL OUSTA OGHLOU SABIT, of Kanledja village:
Condemned to seven and half years in prison
for murder.
25. DEYIRMENDI AHMED OGHLOU ALY, of Sare Hadjilar village;
Condemned to 3½ years in prison for produ-
ction of arms.
26. ALI OGHLOU OSMAN, of Souvari village:
Condemned to 3 years in prison for theft.
27. ALBESTANLI OGHLOU KARA ALY, of Kozan village, condemned to four
years in prison for theft.
Condemned to 3 years in prison for theft of
28. KHALIL OGHLOU AKIF, ~~the~~harvestthe vineyards of Azizli:

29. EMRAN OGHLOU ALY, of Tchedekler village,
Condemned to 15 years in prison for murder.
30. MOUSTAPA OGHLOU KHALIL IBRAHIM, of Tchedjeklar village,
Condemned to 15 years in prison for murder.
31. SURAYA OGHLOU MOHAMED, of Beuyeuk Keshla,
Condemned to 7 years in prison for murder.
32. MOHAMED OGHLOU ZIA, of Divanle village of the kaza of Yozgat:
Condemned to 7 years in prison for murder.
33. DELI OSMAN OGHLOU SABEK, of the Mazraa village,
Condemned to 3 years in prison for murder.
34. BESHE OSMAN OGHLOU OSMAN, of the Bekir quarter of (the town)
of Yozgat - Condemned to 3 years in prison for murder.
35. MOHAMED OGHLOU KURDE KHALIL, of Khorassan village,
Condemned to 15 years in prison for murder.
36. PEYZOULLAH OGHLOU MOHAMED, of Djafer village;
Condemned to 15 years in prison for murder.
37. HUSSEIN OGHLOU EHEMAL, of Osmandjek village of the kaza of
Osmandjek - Condemned to 15 years in prison for murder.
38. YEZBAN OGHLOU KARA YUSSUF, of Yezban village,
Condemned to 15 years in prison for murder.
39. OSMAN OGHLOU MOHAMED, son of Kurde Mohamed, of Enbazek village,
of Soungourlou - Condemned to 15 years in prison for murder.
40. KONDIT OGHLOU OMAR, of Altoun Tash village:
Condemned to 5 years in prison for murder.
41. SERBAN OGHLOUHADJI AHMED, of Beuyeuk Keshla village,
Condemned to 3 years in prison for attempted
murder.
42. ALY OGHLOU SAYED, of Kozan village:
Condemned to 5 years in prison, for theft.

43. HUSSEIN OGHLOU ISMAIL, of Djafer village:

Condemned to 15 years in prison for murder.

44. OSMAN TCHAVOUCH OGHLOU AHMED, of Djulhadje Bala villages:

Condemned to forced labour for life for murder.

45. AL OGHLOU MOHAMED, of Djayertedje village:

Condemned to 5 years in prison for murder.

46. VELI OGHLOU MOHAMED ALY, of Hadjolar village:

Condemned to 1½ year in prison.

47. SARE OGHLOU MEVLOUD, of Kabakli village:

Condemned to 1½ year in prison for theft.

48. ALY OGHLOU MOHAMED, from the Eski Ambar quarter;

Condemned to 8 years of prison for theft.

49. YOUSSEUF OGHLOU ALI RIZA, of Pembedjik village:

Condemned to 15 years in prison for murder.

50. OSMAN OGHLOU MOUTIALLAH, of Rutedik village,

Condemned to 1 year in prison for theft.

51. KUTCHUK OGHLOU IBISH, of Emir Khan village,

Condemned to 1 year in prison for theft.

52. SERIAN MOHAMED OGHLOU HASSAN, of Adji village:

Condemned to 1 year in prison for theft.

53. MAHMOUD OGHLOU SHUKRI, of Tehereum Kuza,

Condemned to 6 years in prison for murder.

54. OSMAN OGHLOU NEGIB, of Seyid Yar village,

Condemned to 1 year in prison for theft.

55. DARAKDJI OGHLOU EHSAN, of Djan Pasha village:

Condemned to 9 years in prison for theft.

56. YESHIL OGHLOU BEGIB, of Kouren Huyuk village:

Condemned for escaping from prison.

57. EUEBEL OGHLOU ALY, of Kozandja village:

Condemned to 15 years in prison for murder.

57 Persons.

These 57 persons have^d been sent to Tchereuz on the 15th May, 1915 upon instructions of the Minister of Interior and upon the order of the Mutessarif as as to be set up into the new organization.

We transmit to you, Sir, the register containing their names and surnames ~~and~~ which had been entrusted to the recruiting office of Yozgat.

5th February, 1919.

Seal: Prison of the Kaza of YOZGAT.

Signed: A L I.

Turkish Extraordinary Court Martial
to try deportation and massacre

II Session

The hall as well as boxes, stage-boxes and dress-circles were completely full of people of every kind. The trial ~~should have~~ should ^{have} started at 1:00 p.m. on February 8, 1919. But Kemal, Tevfik and Feyaz, as well as their defense attorneys arrived ^{at} the court house only ~~at~~ 3:00 p.m. ~~The/xxxx~~

Victims in the court-room were represented by Himayag Hosrovian, Hagop Bahri, Avedis Sourenian, who were designated by the Armenian Bar Association.

Then solemnly the panel entered presided ^{over} by Moushir Mahmoud Hayret Pasha, who began, first of all, to reproach the Officers of the Court because Kemal, Tevfik and Feyaz arrived to court-room at 3:00 p.m., two hours latter than the time fixed.

By order of the President the recording secretary read two requests: the first was a petition made by the son of Garabed Kuyunjian introducing as personal defense attorney. He told the Court that Kemal, Tevfik and Feyaz had organized massacres, that all the members of his family were killed, that his sister raped and killed, he himself wounded, forced to accept Islamic religion. That he was obliged to call Moslem people to prayer. He claimed to punish the accused here present and to *defendants.*

he designated Himayag Hosrovian and Avedis Sourenian as defense-attorneys or prosecutors.

In the second petition Haig Kulhanjian introduced himself as personal defense attorney, and asked the Court to punish those who had ordered ^{the} ~~to~~ massacre ^{of} his parents and to restitute 10,000 T. pounds for his material losses and designated Hagop Bahri as his defense-attorney.

Hami Bey, defense-attorney of Tevfik Bey asked the Court if any person ^{might} ~~may~~ introduce himself or others as personal defense-attorneys in ^t This Extraordinary Court Martial. Did those who ^{were} ~~are~~ plaining the murder of their parents, ~~have~~ really established before this Court ~~that~~ that they are their heirs.

He tried to refute both plaintiffs' requests and petitions, objected whether or not they were themselves presenting as personal prosecutors, introducing an action against those who had massacred their parents; was this fact recognized by the Court or they were introducing themselves as heirs of those who were massacred.

Himayag Hosrovian said that it was an arrogant audacity on the side of the defense to refuse personal defense attorneys, to ask heirs to introduce procurations or death-certificates, or heir certificates for hundreds of persons and relatives who were massacred. That victims and their personal attorneys were not introducing an action concerning heritage, and insisted to accept them as personal defenses.

Lawyer Avedis Souranian reinforced the opinion of his colleague and insisted ^{their} ~~to~~ accept ^{and} ~~them~~ as personal defense attorneys.

The Prosecutor of the Court Martial agreed.

The panel decided also to accept them as personal defense attorneys.

Then Himayag Hosrovian officially answered Sami Bey's indictment-speech:

"To call history, he said, as witness is not a bad method. I have to praise the Prosecutor who had recourse to such system. We may learn only from history how these massacres were carried out, with the understanding that the verdicts attributed to history be based on evidence. If such condition is not respected the written history would not have any difference of a fiction or a novel and is not worth to be heard. Especially when ~~the/any/when~~ ~~the/when/when/when/when~~ there is a question of massacres the bloody currents of which filled up the Black Sea and the Mediterranean, to bring evidence is not only a scientific necessity but a duty of conscience.

The Prosecutor said that in this country the anti-patriotic events provoked by non-Moslems, are not only the result of administrative errors, but also of direct foreign intrigues. It is my sacred duty to refuse and reject such an argumentation with all my energy. It is a civic duty to throw away such a mud directed against the memory

of the hundred of thousands of Armenian victims. I don't know to which foreign power ^{allusion was made} was alluded when speaking about outsider intrigues. I leave this ^{work} fatigue to scholars to search and find it. But there is something that I know and all the world knows, ^{effect} is the fact that Armenians have never been ^{of} instruments to foreign powers.

Armenians in this country since the beginning have claimed and claim protection of life, property and honor. Is this not the problem concerning the Armenians in this country? I read the history of this country covering the last 150 years. Open the pages of the Ottoman history, read even the history of Jevdet Pasha, since the foundation of the Ottoman Empire to Tanzimat, to establish if any Turkish Government had ever created what the Prosecutor called peace and justice. Have there been any peace and security during the reign of Abdul Hamid? I cannot think that there would be one person in this hall who could tell that such peace and se-

There is more rhetoric than factual evidence. But the outsider intrigues and insider instrumentality can and must never give the Ottoman Government a right ~~to~~ in any way to carry out massacre of ethnical groups in the country and attribute the cause to the religious fanaticism and racial hatred.

curity have been in this country during the period when the Union and Progress Party of Young Turks held power or imposed their own regime ^{on} to this country? Let the Prosecutor say that Armenians were living in peace and security in this country and they were victims of foreign intrigues. Where are foreign intrigues?

Are the Armenians guilty because they won the sympathy of foreigners for the crimes ^{to which were} they ~~are~~ submitted, ~~t~~ and even of all persons who have conscience?

Those who suffered injustice have a special force of extraordinary attraction for their special virtues, are they not worth to be appreciated by foreigners? But when it is said that the Armenians were an instrument of foreign intrigues, let me state that this injure Armenians.

Only hatred between two or more races, only ^{fanaticism} ~~hatred~~ between two or ~~more~~ religious groups can ~~never~~ provoke wholesale massacres; if the government is ^{ized} ~~civilized~~ and would not allow massacres. Suppose that such massacres may be provoked, the number of the victims would be very limited, if the government do not allow massacre. In all the Ottoman history massacres were organized by the government. Official documents prove that Turkish Government decided and carried out massacres, and hatred between races or religious groups were provoked by the government to make easier the execution of massacre.

Although in the last period of the Armenian history three foreign powers were greatly interested in the Armenian affairs, ^{yet} but this interest was only to ⁱⁿ annihilate Armenians as well as the Ottoman Empire. One of these three states is the Government of Romanoff, which impelled Sultan Hamid to carry out massacre in Van. The second, was Germany which during last four years organized and secured the massacres, and Kaiser Wilhelm, who will be tried in the near future by an international court. The third is the Government of Habsburgs which was an acolyte during the period of Hohenlohe.

Armenians are not an instrument of foreigners, but on the contrary they never ceased to express their sympathy to Turks, however, and we must add this—unfortunately such a sincerity was not appreciated enough to relieve the sufferings of crimes to which they were submitted to. Look, during the reign of Abdul Hamid, were Armenians of a province excepted from massacres? But despite this enthusiasm Turks are denying the patriotism of this people, after the proclamation of the Constitution. However, nine months after, 20,000 Armenians of Adana were massacred. At that time some people ^{sought} ~~searched~~ pretext, to condemn the Armenians, but the Government, i.e. the Cabinet of Husein Hilmi Pasha had the civic courage

to proclaim officially the innocence of the Armenians.

The prosecutor stated that Armenians made movements with their important organizations in the provinces of Ottoman borders; they threatened the retreat of the Ottoman Army and his opinion is based on publications of foreign press and on dossiers which prove such acts and events.

It was needless to express such an opinion in the Court during the trial. Why ~~to~~ search in Van ^{for} the reasons of the blood soured at Yozgat? To accept such a need means to search in Van ^{for} mitigating circumstances for ^{the} Yozgat massacres. To attribute to Armenians such an intention does not absolutely correspond to reality. ~~Had not~~ Does the Government ~~had not~~ collected arms and weapons from Armenians at the beginning of the War? Is it possible to ^{pick up} ~~raise~~ without arms? The Prosecutor bases his opinion on the publications of foreign press. I shall recommend ^{to} ~~him~~ ^{that he} ~~to~~ read the most important document of foreign press, the British Blue Book -prepared by James Bryce.

The Government gathered young Armenians in Van area and shot them all and tried to cover this fact by forming a mixed Inquiry Commission, and despatched the Armenian leaders - as Iskhan - on the site and had them there massacred. Vramian, Deputy for Van, was submitted to the same fate. After such tragedy is it

difficult to imagine in what kind of spirit were the Armenian of Van?

When massacres were carried out every where - in Van as a beginning of massacre - ~~the~~ after the event that took place - if the Armenians of Van refused to deliver their arms and for this reason a misunderstanding began between Armenians and the Government, can we conclude ^{by} saying that the "Armenians ^{rose up} uprisen" and does /s this judgement ~~may be~~ in accordance with the conscience?

The massacres which were carried out are such events that cannot have any mitigating circumstances.

What a reason one could imagine in this world to legitimate and justify the extermination of the Armenians in Adrianopole, Rodosto, Adapazar, Bardizag, Yozgat, Kayseri, Ankara and other localities?

Local and foreign statistics show that 1.200.000 Armenians are massacred, and their property and possessions worth millions and millions are seized and pillaged, this is a truth unanimously accepted by the world. Who is the criminal? Are these three accused or others are the criminals?

I am sorry to ^{say} ~~tell~~ that the Government expanded this massacre like a struggle between peoples or communities.

The Chamber of Deputies kept silent, the press kept silent, Attorneys-General kept silent, there was

only one voice which troubled the silence, and this voice was the cries and supplications of the women and children rising from the fields, the rivers and diga to heaven.

May such large-scale and unprecedented tragedy be carried out as a struggle between peoples and communities?

The Prosecutor had to cover this by a curtain of silence,. When enmity arrives to such a degree, the *only* place ~~where~~ to find a solution is ~~only~~ the Council where the fate of nations must be decided. Let both parties have recourse there to accomplish their duty of self-defense. Here in this room of justice not a political opinion had to be expressed. The Prosecutor put himself in such a delicate position and condition by introducing such an opinion here in this court-room. According to the provision of law we challenge him and we wait the decision of the Court."

The Prosecutor Sami Bey uttered some words in reply to the speech of lawyer Himayug Hosrovian:

"The basis concerning the events of the present trial ~~is~~ is so terrible that I was obliged to extend the limits in order to ^{examine} ~~examine~~ the case.

"I never intended to rise political problems. When I moved from Yozgat in my indictment, the reason was that the massacres were connected closely with the

events that took place in other localities."

The jury retired in to the room of deliberations to examine whetehr or not the prosecutor was really neutral.

Twenty minutes after, the President of the Court Martial made a declaration that the Court will stay *above* and far away ~~and above~~ ^{from} all political influence, and that no one had a right to rise political matters in the court.

The Prosecutor Sami Bey remained in his ^{office} position. 1

1. "Jagadamard", February 9, 1919.

"La Renaissance", No. 61, February 9, 1919.

The President- To Tevfik Bey - When you returned to Yozgat, did you ever ask your assistant for information and an account, because you were the commander of the Gendarmerie and that you were the one responsible?

Tevfik- ~~No~~.

The President- Well, have you not participated in the affair of deportation?

Tevfik- ~~No~~.

The Procurator Haig Kulhanjian- He is lying, Your Honor. He was the one who collected all Armenian women and distributed them to Turkish gendarmes and peasants... (General agitation in the court-room).

The Attorney General Sami Bey- As a governor, you certainly had the duty of surveilling the deportations. Had you ever been interested whether the deportees arrived safely or did not arrive at the places for their destination?

Kemal- I did not hear anything wrong to ^{merit} hold an inquiry. (Calm). They [the Armenian deportees K] had arrived at their destination.

The Attorney General- Then ^{none of the} ~~no one~~ deported died? But now where are the 7-8.000 Armenians of Yozgat.

Procurator Leon Remzi- Your Honor, the wells dug open in valleys are well aware of the whereabouts of 8.000 Armenians.

All the victims are now in those wells, but the corpses

cannot be distinguished because several of them do not have arms, others do not have legs, and many are without heads. "Armenia is a gigantic cemetery".

The President- Such events occurred and the Government has not information about them?

Kemal- I was not aware. (General laughing and fury).

The Defense Attorney of Kemal- Why are you allowing the auditors to laugh? This Court is acting in the name of His Majesty the Sultan. It is not permissible to laugh in such a Court.

Procurator Haig Kulhanjian- Are you not the one who said: "Even a fly bearing the name of an Armenian must not remain alive"?

By order of the President, the recording secretary read the minutes of the examination of the three accused: Kemal, Tevfik and Feyaz.

During his examination, December 15 and 16, 1918 before the Inquiry Commission, Kemal revealed that there were really ^{to thousand} 748,000 Armenians in the Yozgat area, who were deported to Der-Zor, that he received the order of deportation from Jemal Bey, Mutesarif of Yozgat, who was dismissed from his office and who had received the same order from Atif Bey, Acting Vali of Ankara, that decisions had been made by the Club of Union and Progress Party, and that these decisions were communicated by Nejati Bey, Responsible Secretary of the Union and Progress

Party in Ankara.

The President- You said that you had not known any Unionist.

Kemal- I really don't know. In my prior examination I had given an erroneous answer.

During the course of his examination Kemal confessed also that some of the documents concerning deportations are preserved in Yozgat, some others have been naturally burned "after the reading in conformity with the instructions received" ad hoc.

The President- You previously insisted that you had not received any secret instructions concerning deportations.

Kemal- (from one contradiction to another, insisted:) I really did not receive...any secret instructions, during my examination I was confused in my answers.

Then Tevfik's examination was read. He had been asked was he the initiator of massacres, shouting in public: "Our mothers gave us birth for these sacred days " to massacre and plunder the Armenians. Tevfik gave only contradictory answers. He denied that he took part in plundering.

The Procurator Haig Kulhanjian- (interrupting the reading of the examination) But we found out what you had stolen and stored in your house.

Tevfik made a detailed statement of his possessions, saying he had found them in the house in which he lived, that he had bought them, etc...

Judge Mustafa Pasha- How do you remember all these details while you don't remember any thing about deportations?

During the examinations Tevfik had also given details and explanations on how the Armenian men were separated from the women, and how the deportees were plundered prior to the time when the caravans left the town.

The Attorney General- If the deportees were not ~~dr~~ driven to be massacred on the highway, why then were their possessions taken off?

Tevfik- Really I don't know.

Finally the minutes~~e~~ of the examination of Feyaz were read. Feyaz had been smart. In his examination he accused Vahram, an Armenian who had received from Feyaz a bribe of 60 Turkish pounds to testify in his favor, and therefore, he considered himself innocent, demonstrating that the complaints against him were black mail. ¹

1. "Jagadamard", February 12, 1919.

Turkish Court Martial
to try deportation and massacres

Session III

On Monday, February 10, 1919, at 1:15 p.m. six defense-attorneys of Kemal and Teflik, and Leon Remzi, personal right defense attorney, ~~As/As/As/Himayag~~ ^{As/As/As/Himayag} were in the court room, but Hosrovian, Hagop Bahri and Avedis Sourenian were not there.

There were three Armenian youngsters ^{sitting} on the chairs of ^{the} personal attorney-defenses. They ^{were} survivors from massacres. By ~~the~~ invitation of the President, they gave procuration to Leon Remzi and designated him as personal right defense attorney, ^{for} victims.

Leon Remzi, one of the defenses of the plaintiffs, read a document signed by the plaintiffs, who accused Kemal and his accomplices of having their mothers killed and having seized their possessions and property.

These three brothers were soldiers in 1915 during the deportation. There was a ministerial order to except ^m the families of soldiers from deportation, but Kemal deported them, violating the ministerial order. Kemal, however, stated that he did not know the existence of such an order. Leon Remzi stated that Kemal had kicked these three brothers and had ^{father's} their finger of their father cut ^{off in order} to take away his ring.

Kemal had sent people to tie the arms of the members of the family before deportation and he ^{seized} took away 1.800 T. pounds. He had ⁱⁿ excited Moslem people to kill Christians. He himself assassinated an Armenian and Tevfik killed three Armenians

Feyaz had played a great role to have Jemal Bey, Mutesarif of Yozgat, (^{relieved of} dismissed from) his office, because he had refused to carry out the orders he had received to massacre Armenians.

Before starting the trial, another request of these three ^{brothers} was read. The request described how Tevfik had the finger of his father cut ^{their} off and how ^{he} had him killed at Keller, site of ^{the} massacre previously designated, ~~he~~ he had acted in a savage manner, and had killed ~~their~~ brother, pillaging 8.000 T. pounds or 140.000 dollars.

The jury retired for deliberations and after half an hour decided to try the three accused here present and ^{issued a} gave warrant to ^{for the} arrest ^{of} other criminals and accomplices involved in the massacres of Yozgat district ^{thus} and to bring ⁱⁿ the trial to an end ~~speedily~~ end.

When it was stated that Kemal, Tevfik, Feyaz and accomplices took from Garabed 1.800 T. pounds, as well as rugs, carpets, and valuables worth 6000 T. pounds, Kemal and Tevfik objected. Then Leon Remzi asked to go to Keller and dig the soil, ^{where the} bones of six thousand Armenians would come out.

Kemal tried to ignore the massacres at Keller, a village and a valley six hour distant from Yozgat. The Court asked questions to the accused, whose answers were evasive and incoherent.

Leon Remzi stated that the deportation of the Armenians was unlawful, but this question he had to discuss later on. He said that he was a soldier in the Turkish Army during 1915 and that Kemal Bey had not observed the instructions given by the ministry of the Interior. Kemal replied:

"We received full power to annihilate the Armenians; we have not to listen any other person. Muammer, Reshid and I, we got absolute power; I shall not receive any other instructions. I am the conqueror of the Armenians."1

1. Muammer Bey, was the Governor-General of Sivas,

Reshid Bey was the Governor-General of Diarbekir, and Kemal Bey was Kaymakam of Boghazlian in the district of Yozgat. When he got the Armenians of Boghazlian massacred, he was promoted to Acting Mutesarif of Yozgat. He had really received secret orders to kill Armenians, as he confessed in his depositions held before the Inquiry Commission on December 15 and 16, 1918.

Leon Remzi again repeated that Kemal had killed the father of Garabed and cut the finger to get out the golden ring from his finger, he insisted that this was not only a declaration, but a fact that he will prove latter on.

At ^{the} Keller massacre site Kemal made a speech and declared that he was the conqueror of the Armenians, and invited then the people to attack and kill Armenians.

Feyaz as the representative of Union and Progress Party at Yozgat killed an Armenian with his own hands, and Tefik ~~VA~~ killed himself three of them. And when Feyaz ~~wh~~ went to Ankara he was received with music and demonstrations.

Leon Remzi promised to prove all these facts by authentic documents and that Dr. Behaeddin Shakir Bey had given these three accused herewith present ~~with~~ written orders to massacre the Armenians.

Then Leon Remzi introduced a list of furniture worth 8.000 T. pounds or 140.000 dollars pillaged by the accused.

Sami Bey, the Prosecutor of the Court Martial, asked Leon Remzi the names of those who were massacred. Leon Remzi who ^{made} ~~made~~ fun ^{by} ~~of~~ answering: "one Armenian is called Khinziroğlu Hrant, another Ateshoğlu Mike and he promised to give him other names when he could find them.

Kemal denied saying " I never went to Keller. I

have never seen these persons. I never committed crimes. An official will never do such things. I will bring evidence that I did not go to Keller, and I know nothing ~~ABOUT~~ what this man is talking about. We received instructions for the families of soldiers, but nothing concerning this man here".

Tevfik answered a question: "I accompanied those Armenians who were sent to Sivas and Aleppo, but I know nothing about what is discussed here."

President.- Have you received any document proving that deportees really arrived to destination?

Kemal.- I don't know.

President.- Have you not heard that the deportees were massacred on their way?

Kemal.- No.

Judge Mustafa Pasha (to Tevfik).- ^{were you on} ~~Did you have~~ ~~been in~~ duty to present a report? Sure, you had a superior.

Tevfik.- I was not there during the office of Kemal. I was pursuing bandits.

Mustafa Pasha.- Did you not receive any information?

Tevfik.- I did not.

President.- Tevfik Bey said that the Armenians were not deported when you were in office. Who then accompanied them?

Kemal.- I don't remember.

President.- You have to remember. When you went to pursue bandits, you certainly designated some one there.

Kemal.- It was during mobilization. I don't remember. Perhaps Ahmed Efendi was there.

One of the three Armenian youngsters: ~~XXXXXXXXXX~~ personal right defense: "Tevfik, who now is here, collected Armenian girls, ^{who} survived ^{The} from massacres, and other women, brought them to the door of the government building, exerted pressure on them to accept ^{the} Moslem religion and ~~Tevfik~~ Tevfik himself converted them and distributed ^{them} to his gendarmes, while now he denies this.

The Prosecutor Sami Bey asked whether or not there were instructions to carry out deportations in several ways. Had he carried out deportations according to such instructions?

Kemal.- I don't remember.

President.- How do you not know? Were you not governor?

Kemal.- There are no massacred people. I don't know. All Armenian deportees arrived alive ^{at} ~~to~~ Der Zor.

Leon Renzi.- Keller is one of the cemeteries of the Armenians of Boghazlian and Yozgat. If today we make researches, we surely will find their bones, several parts of corpses, there are no more ~~ears~~ ears, nor eyes, because they have been ^{dug out} ~~digged off~~ during tortures. Let an investigation be held on the site of massacre to get

evidence whether the Armenian deportees were sent to Der Zor or massacred at Keller. Keller is the cemetery of 6.000 Armenians.

Kemal.- I have no information about this.

The President ordered to read the depositions made by Kemal, Tevfik and Feyaz before the Inquiry Commission. 1

Kemal had insisted that Nejati Bey, responsible Delegate of Union and Progress Party at Ankara had come to Yozgat and had deliberations with Tevfik, Gendarmerie Commander, concerning the deportation of the Armenians.

Leon Renzi asked him where he had received instructions ~~from~~ to deport Armenians and what such instructions contained ~~in~~, because it is very important to get exact information about this matter.

Kemal answered that orders concerning the deportations of the Armenians were not burned ~~down~~, but they were actually in Yozgat. He stated that only military orders were burned down.

After the reading of the declaration of Tevfik, Judge Mustafa Pasha asked him.

-You have designated even small details, as you have done for the lists of furniture and possessions, how do you say that you know nothing about deportations and that you have not given details?

Tevfik.- I designated my own affairs. The Armenian deportees went to Aleppo with their families, those who

The Prosecutor.- Why ^{did} they ^{take} ~~took off~~ the money from ~~the~~ deportees, ^{? why did they not} let this money remain with them if they were really going to live ^{? If} they were going to die. If their money was with them, they could ^{spend} ~~expend~~ it for food to live

Tevfik.- Mutesarif Jemal Bey knows this. He gave the order to collect the money from the deportees.

Leon Renzi ~~/~~ urged him again to reveal where they got ^{the} orders, ~~from~~ We know that such orders came from Talaat Pasha and his colleagues. It is very important.

Kemal.- The orders concerning the deportation are preserved. There are no ~~of~~ secret orders. 1

1. "Jamanag", February 11, 1919, col. 2,3,4.

The President asked Tevfik: "When you returned to Yozgat, have you not claimed an account from your locum-tenens because you were Gendarmerie Commander and therefore responsible?"

Tevfik.- No.

President.-Therefore you are not responsible in the affairs of deportation?

Tevfik.- No.

Personal Defense-Attorney Haig Kulhanjian.- He is a liar, Your Honor. Tevfik himself gathered Armenian women and distributed ^{them} to gendarmes and peasants. (General agitation in the court-room.)

The Prosecutor Sami Bey.- to Kemal directly.- As a governor you certainly know that you were ^{on} duty to control the deportation. Have you ^e been ^{in seeing} over interested that the deportees arrived to destination?

Kemal.- I did not hear any bad news ^{to necessitate holding} ~~to held an~~ inquiry. The deportees had to reach ^{their} destination...

Prosecutor.- Therefore, there are deportees who died. But where are ^{the} ~~now~~ seven or eight thousand Armenians of Yozgat ^{now?}

Leon Renzi.- Your Honor, the wells ^{dug} ~~digged~~ in the valley of Keller and other sites of massacre know better the whereabouts of eight thousand Armenians of Yozgat. All the victims are in the wells, but their corpses cannot be identified.

President.- Such events took place and the government is not aware.

Kemal.- I did not hear... (General laugh^{ter} and anger in the court-room).

Saadeddine Bey, Defense Attorney of Kemal.- Why did you allow the attendance to laugh? This is a Court ~~trying~~^{sitting} in the name of the ~~S~~^S Sultan. It is not allowed to laugh~~s~~.

?
"Not" Haig Kulhanjian, to Kemal.- Was ^{it} not you who said:
"Even a ~~mosquito~~^{mosquito} bearing an Armenian name must be left alive?"

In his examination, Kemal had revealed already that eight thousand Armenians of Yozgat have been deported to Der Zor, that he had received the order of deportation from Jemal Bey Mutesarif of Yozgat, who was then dismissed from his office. Jemal Bey had received the order from Atif Bey, Vali of Ankara, that decisions had been made by the Club of the Union and Progress Party, and that these decisions were communicated by Nejati Bey, Responsible Secretary of Union and Progress Party at Ankara.

President.- But you ^{said} ~~told~~ that you have never known the members of the Union and Progress Party.

Kemal.- Really I don't know them. I lied in my first examination.

During his examination held before the Inquiry Commission on 15 and 16 December 1918, Kemal confessed openly that he had received documents concerning depor-

tation and that these documents are partly preserved in Yosgat, and that the other part was burned down, because "it was ordered to burn ^{them} after having them read".

President.- But you insisted that there were no secret documents concerning deportation...

Kemal is not afraid to contradict himself. He has the courage to say: " Really I did not receive" any document. I was very confused when I said that I have ^{had} received".

Sani Bey, the Prosecutor, refuted the lies of Kemal bey, because he was in the Inquiry Commission when, ^{at} by the matter of fact, Kemal ^{calmly} wrote ~~in his calm~~ all his answers consecutively on December ~~14~~ 15 and 16, 1918.

Then the recording Secretary read the examination of Tevfik. The President of the Inquiry Commission had asked him the following question. "Is it true that you began to massacre the Armenians saying "our mothers born us for this sacred days"? To this question Tevfik gave incoherent answers. ^{He} tried to deny absolutely that he had participated in pillaging and plundering.

But Haig Kulhanjian, interrupting the lecture, stated: One month ago we took out from your home what you had robbed".

Tevfik began to make ^{a detailed account} ~~the historical, in details,~~ concerning his furniture and possessions and supposed

that he had found them in the house he lived in, that he had bought ^{them}, etc.

Judge Mustafa Pasha.- How do you remember all these details, while you had declared that you know ^hnothing concerning the deportations?

During his examination, Tevfik had clarified that men were separated from women, caravans were stripped from their money before they start^{ed} on the way to their destination.

The Prosecutor asked Tevfik to explain why the amount^s of money were taken from the deportees if they were not going to be killed.

Tevfik tried to say that he knows ~~nothing~~^h...

Finally the examination of Feyaz was read. Vahram, ^{was} an Armenian, accused him ~~with the charge~~ of having taken from him sixty pounds promising to testify in his favor. 1

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1. "Jamanag", February 11, 1919, col. 2,3,4,
"La Renaissance", No 63, Wednesday, February 12, 1919.
"Jagadamard", February 12, 1919.

IV Session VZ

Thursday, February 11, 1919, the fourth trial of the perpetrators of the massacre of Yozgat took place before the Extraordinary Court Martial.

Witnesses were heard.

The first witness was Harootun, a teenager. He revealed that ⁱⁿ 1915, ^{on the} feast-day of Kurban Bayram the accused Kemal personally supervised the arrest of the Armenians by the Moslems who were leaving their prayers in the mosque, then he led them to an unknown destination. On the highway all these deportees were first plundered and then massacred. Also, the same witness, continuing, Kemal had all men over the age of 12 years collected and slaughtered in the valley of Keller, he himself standing on a high hill gave the signal of massacre with a clarion.

Then Shakir Bey Deputy of Yozgat, testified.

Months after ^{the/} deportations I came to Yozgat. The first two caravans of Armenian deportees had been driven ~~without~~ without great injuries when Jemal Bey was Mutesarif. After he was released from his office, and when Kemal, here accused, succeeded him, other caravans had been driven. Bad news arrived at Yozgat. I myself saw nothing, but when I went to Yozgat, already everyone told me about the atrocities perpetrated against them.

~~The President. You were a Deputy. Had you made in-~~
~~quiries~~

My conviction is that both the accused Kemal and Tevfik could ^{have} ^{ed} stop the massacres if they wanted to.

The President- You were a Deputy. Had you made inquiries?

Shakir Bey- Massacres were an already accomplished fact.

The President- Have you raised any protest anywhere?

Shakir Bey- I raised a protest to Atif Bey, Vali of Ankara. But he did not take my protest into consideration.

The President- Have you not raised a protest to Talaat Pasha?

Shakir Bey- Sure, I did. But he did not consider my protest. When raised the protest against the dismissal of Jemal Bey, Mutesarif of Yozgat, Talaat asked me: "Are you the protector of feeble men?"

The President- Have you not raised any protest in the Chamber of Deputies against the massacres of a part of the population you represented?

Shakir Bey- I am not obliged to answer such a question in my capacity as Deputy.

The President- Are you now a Deputy?

The Attorney General- Intervened and remarked that Shakir Bey was a witness, and that he was not to be examined.

The Assistant Personal Procurator- Mr. Leon Remzi asked Shakir Bey: "When you went to Yozgat, had you not

been aware that the criminals had been released from the prison, that they had been armed with the weapons seized from Christians, and that they joined the gangs of chetes?

Shakir Bey- I learned it, but I was told that they were sent to the battle front.

The Defense Attorney of the accused, asked the witness: "Did Armenians at that time uprising or act as bandits?"

Shakir Bey- Not in that area, only on the frontiers, refugees arriving from the frontiers spread the news that Armenians had ^{risen up} ~~uprise~~. This news caused emotion and excitement for both Moslem and Christians. Fortunately Jemal Bey succeeded to ⁱⁿ ~~overcome~~ ^{ing a clash} ~~a shock~~ between both parties with his wise counsel.

The Defense of the accused- Had Shakir Bey learned that Armenians ^{rose up} ~~uprisied~~ at Kum-Kuyu?

Bhakir Bey- I learned that, but I don't remember the details.

The President- When did this uprising took place, prior or after deportations?

Shakir Bey- After.

The President- Shakir Bey, during your examination you expressed completely the opposite. You said that Kemal was a bloodthirsty and oppressive person, that he had been the major organizer of the massacres, etc...

Shakir Bey- Yes, I think he is.

The President- In the examination you spoke more precisely.

Shaikr Bey- I mean it and I am sure that he could stop the massacre, because every one ~~f~~ was afraid of him.

Kemal- He is lying. This is a calumny. He is my enemy, because I got the dismissal of one of his relatives who had plundered the possessions of Armenians, and also I had not approved the society he had formed, because it was unlawful.

Tevfik- At the event of Kum-Kuyu, Armenians had ^{rise} up~~th~~ there, I sent gendarmes there to exterminate the insubordinates.

Leon Remzi- In the Archives of Ankara there are official documents demonstrating that Armenian deportees resisting the atrocities perpetrated against them by Kemal, defended themselves on the way.

Finally Sarkis Yardumian testified as an eyewitness, and gave details concerning the messacres of Boghazlian. Kemal himself had organized and led the massacres.

The trial will continue today. 1

1. "Jagadamard", February 12, 1919.

Turkish Court Martial

to try deportation and massacre

Session IV (February 11, 1919)

Harootun, a young Armenian testified:

The feast day of Bayram, Ke^mal gathered Moslem people who were ^{coming} ~~going~~ out of Mosques^s and had the Armenians arrested. He deported them to unknown destination. Armenian deportees were pillaged and massacred. Kemal ordered to gather Armenian men over 12 years and had them massacred in the valley of Keller.

He gave the signal of massacre with a ^horn.

Then it was the turn of Shakir Bey, Deputy of Yozgat, to testify: I came, he said, to Yozgat months after deportation. The first caravan was deported by Jemal Bey; nothing important happened to the deportees. Then Jemal Bey was dismissed and replaced by Kemal Bey, who deported other caravans from Yozgat. Bad news reached Yozgat concerning the caravans. I did not see anything with my eyes, but when I was in Yozgat, people were talking about the massacre of Armenian caravans.

I got the conviction that these two accused (Kemal and Tefvik) could prevent the atrocities, if they would.

President- You were a Deputy, did you initiate an investigation?

Shakir Bey- It (massacre) was over.

President- Did you not protest?

Shakir Bey- I made protest to Atif Bey, Vali of Ankara, who did not pay any consideration.

President- Did you not ^kmake any protest to Talaat Pasha?

^kShakir Bey- He did not listen ^{to}my protest. He shouted: Are you the protector of the weak?" when I made ^ka protest against the dismissal of Jemal Bey, Mutesarif of Yozgat.

President- Did you not make protest against the ^{il}annihilation of the ^opeople whose representative you were in the Chamber?

Shakir Bey- In my capacity of Deputy I am not obliged to answer this question.

President- Are you now a Deputy?

The Prosecutor intervened and stated that Shakir Bey was in this Court for testifying not to be cross-examined.

Leon Remzi- Asked Shakir Bey whether or not he heard that criminals were released from prison, that weapons collected from Christians were distributed to these criminals, and that chete-gangs were organized?

Shakir Bey- I heard, but I have been told that they would be sent to the front.

Leon Remzi asked him: Did Armenians make any movement of banditism or uprising?

Shakir Bey- Not here (in Yozgat), but refugees who arrived from the boarders spread news that Armenians ^{rose up} had ~~uprisen~~. Such rumors caused a panic between Moslems and Armenians. Moslems were afraid from Armenians and Armenians from Moslems.

Leon Renzi- Let Shakir Bey tell us whether or not he heard about the uprising at Kum-Kuyu?

Shakir Bey- I heard, but I have no details.

President- Did this uprising happen before or ~~at~~ after deportation?

Shakir Bey- After.

President- Shakir Bey, during your examination you did say all other things. You said that Kemal was a bloodthirsty oppressor, that he was the principal organizer of massacre, etc. 1

Shakir Bey- Yes, I think so, he is.

President- In your examination you said it clearly and precisely.

Shakir Bey- I am sure that he could prohibit massacres, because every one was afraid of him.

Kemal- He is a liar. This is a cal^vumny. He is my enemy, because I dismissed an official who was his relative and who had pillaged Armenians, as well as I had not approved a Soci^ety that he had formed in Yozgat.

Tevfik- As to the massacre at Kum-Kuyu, Armenians

uprised ther. I was obliged to despatch there gedarmes and soldiers, who massacred them.

Leon Remzi- There are official documents in the Archives of Ankara providing evidence that Armenians deported by Kemal had recourse to self-defense, because they could no more suffer the atrocities.

Sarkis Yardumian testified. He gave details about what he has seen during massacre. He described massacre organized and lead by Kemal. 1

1. Jagadamard, February 12, 1919.

Session IV continued at 1:20 p.m.

Miss Eugenie Varvarian, 18 years old, native of Ydzgat, from a family well-to-do, eyewitness, testified:

First of all the weapons of Armenians were collected. Next day of Ramazan, in the morning when Armenians were going to their stores or to their work, ^{they} were arrested and ^{placed} put in custody.

The maternal uncle of Eugenie was hidden in the house. Her mother was tortured to reveal the site of his brother. To avoid torture to his sister, the brother delivered himself. His arms were tied and he was deported to death.

Few days after women and girls were deported on oxen carriages. Eugenie 14 years old was one of these deportees. When the caravan arrived to Chiftlik, Feyaz and gendarmes stripped and robbed them. Then they were led to Keller. There women and girls prepared some food to eat, when arrived Kemal. People heard horrible shoutings in the valley of Keller. Kemal began to speak to the ~~mass~~ deportees: "Do not be afraid, ^{Hay} has been stolen; this is the reason why they are shouting.

But soon after Kemal himself lead the mob to attack and massacre the women and girls, and children. At the head of the mob, Kemal shouted: "Don't you know how to cut wheat? Be speedy."

Eugenie received a ^{stroke} strike of an axe on her head; saying this she showed to the panel the ^{scar.} cicatrice. Girls had blackened their faces with tallow and slime to ^{appear} be seen repulsive, and so to avoid ^{being} to be raped by Moslems.

Kemal himself collected and gathered the beautiful girls. He was shouting: "Let the beautiful ones come here." Eugenie was introduced to Kemal, but she ^{had} was the destiny of a peasant. Very often she was proposed ~~to marry~~ ^{to} a Moslem. She remained in many Turkish houses ^{with} in a Turkish name ^{like} a Moslem. She learned to say Moslem prayers in ~~the~~ Arabic language.

The prosecutor asked to submit Eugenie to a medical examination and to identify her age.

Defense Attorney Saadeddin Bey objected that Eugenie was ten years old in 1915, ~~he~~ proposed to get a birth certificate from the Armenian Church of Yozgat.

Eugenie objected: "the Armenian Church is now a straw-house, and registers have been eaten by ^{mice.} ~~mice.~~"

She stated that Feyaz robbed money, that she knew him very well, she saw him on horse-back choosing the beautiful girls.

Kemal- She is a liar, I don't recognize her.

Eugenie- (angry) Kemal is a liar, ~~he~~ is not ashamed. He tried to kill me at Keller.

She gave more details concerning ^{the} massacre. She said: "Kemal was at the head of the perpetrators of massacre,

and committed all kinds of atrocities. I was wounded, ^{and} laid under corpses. I told gendarmes that I was alive. They took me to Kemal, who gave them ^{the} order to kill me. I told the gendarme that I had hidden seventy Turkish pounds. I gave him this amount with the understanding ^{that I am} ~~to~~ ^{would} save my life. I was taken to a gendarme's sergeant, who proposed to me ~~to~~ ^{that I am} embrace Islamic faith, If I really would ~~to~~ save my life. I accepted and so, I was not killed. I remained in many Moslem houses as a Moslem. They took me to Ankara. I had with me the amount of 250 Turkish pounds that I had hidden in my house.

I asked Feyaz to give me ^a few piasters. He refused to help me. Even he expelled an Armenian who was in his house as a servant.

Kemal- I went to Yozgat August 6, 1915. I used to report to the High Commission concerning the deportation of the Armenians. I never got out of Yozgat during deportation. This girl is a liar. I never got to Keller. I had no sword with me. She states that she was wounded on her head. She is an enemy, and her testimony is a cal^ul^yny.

Eugenie- He tried to kill me, and he is a liar.

Kemal- This girl is a liar. She does not know what to say. How she has been saved?

Eugenie- Here is the ^{scar} cicatrice on my head. Kemal is lying when he says that he ~~had~~ ^{did} not ^{have} Armenians massacred. Are all Armenians ^a suicide? Where are ~~now~~ so many Armenians ^{at now}?

The Prosecutor asked again to submit Eugenie's ~~scar~~ ^{determine} ~~catrice~~ to a medical test. and would ~~to know~~ ^{that} how she was able to witness massacre in such conditions?

Eugenie- I told the gendarme that I was alive.

The Prosecutor asked why ^{the} gendarmes did not kill her as Kemal had given them orders to ~~do~~ ^{do}?

Eugenie- They took me to a gendarme, who saved me from the treat of the Kaymakam. There I said the Moslem prayer: "La illiah innallah". They then gave me ~~a~~ dirty water and saved me. There is another girl who ^{was} ~~say~~ also wounded with me. She may come here to testify.

The Prosecutor asked her if Kemal personally killed Armenians.

Eugenie- He held in his hand a sword and he shouted: "Kill them, kill them, if you don't kill them, I will kill you, too".

We used to call Kemal the "Kassab Kaymakam", ie. the butcher-governor".

Feyaz-What she ^{said} ~~told~~ about furniture, is a ^{plain} ~~simple~~ lie.

Eugenie- A demonstration was organized in Yozgat against Jemal Bey, former Kutesarif. Feyaz was one of the leaders who gave orders. He was a member of the Union and Progress Party and he gave orders to the chete-gangs. He used to say: "If we wish to serve our country, we have to massacre them." An Armenian who was his close friend, begged him to save his life, and Feyaz refused.

Bakirji Mahmud, Shukri and so many others are accomplices. Even Uzun Ahmed was imprisoned recently, and now ~~an~~ attempt is made to liberate him.

Kemal's Defense Attorney Saadeddine Bey said that Eugenie now is scarcely ^c 17 years old and that during deportation she was much younger. She cannot remember all these facts.

Again the Prosecutor insisted ^{on} to verify ^{ing} the age of Eugenie. 1

Miss Eugenie Varvarian enumerated many criminals and accomplices who ^{are not free in} ~~now in~~ Yozgat ~~are free~~ and trying to liberate their colleagues here in the court-room.

Then Aznive, 17 years old, native of Yozgat, a survivor of massacres, an eyewitness, testified.

"On Friday, when Jemal Bey was still Mutesarif of Yozgat, ^{he} ~~she~~ ^d had ordered ^{the} ~~to~~ arrest ^{the} men, whose arms were tied together, and they were lead to Kuyu-Chiftlik.

Women were going with parents. Feyaz was at the head of a chete-gang and kicked ^{the} men. He went to the Primate and ordered him to extend his hand, and he took from his finger his episcopal ring.

We returned to town, she said. My father was hidden in our home. ~~As my mother~~ ~~XXXXXX/XXX/XXXXXX~~

1. "Jamanag", February 13, 1919, col. 1, 2, 3, 4, 5.

hidden in our home and as my mother was tortured to reveal his ^{hiding} hidden place, my father ^{got} got out and delivered himself. His hands were tied. Two days after - town-criers announced that those who refused to accept Moslem faith, should prepare to be deported. Next day 680 oxen carriages conducted the Armenian deportees to the mountain side, three days after all the carriages returned ~~back~~ to town with very few wounded people.

We were told that the others were massacred.

^{ey}Thye brought us to Temja village. At that time the Kaymakam Kemal arrived there. When we entered Temja, ^{the}gendarmes who had escorted us, called ^{to the} peasants: "Be cheerful, we are bringing you merchandise," they said.

More than 1.800 Armenian families were deported, men separated from women and children, young girls raped, young boys killed on the way ^{to} or the massacre site. We accepted the Moslem faith. I was hidden during four years till order came and I went to Constantinople. We used to call Kemal "Kassab Kaymakam".

Prosecutor, asked her for ^{an} explanation concerning the demonstration against Jemal ^{Bey}.

Aznive- The demonstration was organized. They shouted in the streets: " Jemal is a Kiafir", i.e. a Christian, refusing to do what we are asking for. Feyaz was a leader in the demonstration. He came to announce ^{to} us that we had to leave for Der Zor.

The Prosecutor asked her what was the significance of the expression: "Beautiful women were liberated".

Aznave- Beautiful women were liberated, gathered to be distributed ^{among} ~~between~~ them (Moslems). Why ^{was} not ~~a~~ one ~~was~~ saved?

Kemal- She is a liar.

Feyaz- She told that I took the ring from the finger of the Primate. I declare that I bought the ring for twenty-six pounds, two years after the deportation, from the Commission of Liquidation (Tavsiye Komisyonu).

Dr. Garabed Demirjian, who had been in Yozgat and Boghazlian, during deportations, testified:

"I recognize the three accused here present. I took care of the wife of Refik Bey, who was a friend of the Mudur of Boghazlian. They told me that Kemal, Kaymakam of Boghazlian, had ~~begin~~ begun the deportation with ninety-three Armenians. That first of all he had removed the young Armenians and had them killed, near Yozgat. That the murder of these ninety-three young Armenians was carried out by care of Abdurrahim. That when Abdurrahim announced the death of these Armenians, Kemal left his chair and shouted: "Now I am promoted Vali", and he ^{Sat} ~~seated~~ ⁱⁿ ~~to~~ his place. That Kemal Bey declared that he had Armenians massa-

cred to show his patriotism. That Refik Bey answered him: "You did Armenians massacred not for your patriotism, but with the ^rpurpose of being promoted Vali".

And Refik Bey told me that he would testify if he is asked ^{To} ~~for~~

Then in Yozgat most terrible atrocities took place. Salim Bey, a Turkish high officer, told me the following facts.

Jemal Bey has deported the first group of Armenians and these deportees were massacred when they crossed the borders of Sivas Province. Then Salim Bey ~~has~~ refused this massacre, and ~~had~~ made an agreement with Jemal Bey in his ¹quart of officer.

Then Nejati Bey had come from Ankara and gave them (Jemal and Salim) order^s to massacre Armenians. Salim Bey had asked a written order (for massacre) and Nejati had brought out from his pocket an order given by the Central Committee to massacre the Armenian deportees and he ~~has~~ read them this order. Salim Bey ~~has~~ opposed such an order and for this reason he was dismissed from his office of Presidiend of the Recruiting Office.

Then Kemal ~~has~~ started the deportation of the Armenians of Yozgat, and Feyaz and company had pil-
laged on the way and massacred the Armenian deportees.

More than this, Salim Bey and Refik Bey may come

here to testify.

As to the incident of Kum-Kuyu village, there were only six Armenians, two of them died by starvation in the prison, and the four others were sentenced to imprisonment for several years. I was in prison with them in Kayseri. Tevfik had badly kicked them. I took care of one who was wounded by Tevfik.

Nejati, Kemal, Feyaz, Abdurrahim and many others were joined to organize massacre.

As to the organization of chete-gangs, all the Moslem criminals were released from the prison of Kayseri before deportation of the Armenians. The first caravan was deported regularly via Nigde. Those who died from this group had natural death. The second caravan was also deported via Nigde. The third caravan was composed of Catholics and Protestants. Then the Vali and the Mut^esarif were called to Constantinople for deliberation. When they returned, ~~back~~ they began the policy of extermination also of Catholics and Protestants, and Zekâi Bey who had deported regularly for the first time, had the Armenians, even children, massacred. In that area the person who organized the chete-gangs was Jemil Bey, Responsible Secretary of Union and Progress Party at Kayseri. Nowadays, Jemil is in Boghazlian, very busy with his commerce.

Saadeddin Bey, Chief Defense-Attorney of Kemal. This witness confessed that he was in prison. Why ^{was} he ~~was~~ sentenced to?

Dr. Garabed Demirjian- As a charity I gave two Turkish pounds. This was the reason why I was sentenced to. Better to say that I was an Armenian, and my name ~~is~~ is Garabed~~is~~.

Kemal- I knew Dr. Garabed Efendi ^{by} ~~in~~ the name of Mahmud Shevket. He lied when he said that I had an interview with Salim Bey and that I have given ~~the~~ order to massacre the Armenians. 1

1. ⁶ Jagadamard, February 13, 1919.

⁷ La Renaissance, No 64, Thursday, February 13, 1919

⁸ Jamanag, February 13, 1919.

Other witnesses had not come. The Prosecutor ^{the sending of} urged ~~to send~~ subpoena invitations, and invite Salim bey and Refik Bey to testify in the localities where they are now.

Kemal had two requests. He said that Shakir Bey was opposed to him and asked the testimony of ~~the~~ few witnesses. Also Feyaz asked to invite witnesses. Leon Remzi told that those witnesses whose names were in the list of the Prosecutor for indictment as accomplices may not be witnesses, must Salim Bey must testify, because he had seen and read the order in the pocket of Nejati.

Personal right defense-attorneys claimed that the witnesses introduced by the defense be heard where they are.

After deliberation the Court announced that those witnesses who are in Constantinople, both pro and con, be invited subpoena and heard, and those witnesses who are in Yozgat and whose names are not registered on the list of the Prosecutor, as accomplices to the present three perpetrators of massacre, be invited to Constantinople in charge of the accused and be heard by the Court.

Saadeddine Bey said that the accused cannot pay travel expenses of new witnesses to bring them to Constantinople, while justice urges to listen

but the President answered that the Court has made a decision and cannot change it. 1.

1. "Jagadamard", February 13, 1919.

"Jamanag", February 13, 1919.

"La Renaissance", No 64, February 13, 1919.

Turkish Extraordinary Court Martial

Session with, February 15, 1919, at 1:15 p.m.

A medical report established that Eugenie Varvarian was wounded on her head, ~~y~~ few years ago. And an official certificate showed that Eugenie Varvarian was now eighteen years old.

Then Stephen, native of Yozgat, testified. He said: I was in Yozgat when the deportation order reached there. The people was deported during the office of former Mutesarif, in lesser miserable conditions.

Then town-criers called the people aged from 5 to 60 old years to make preparations for deportation, unless they accept the Moslem faith.

We went from Yozgat to Elekjiler, where they took all the money we had. Then we were deported to Keller. Peasants were armed with axes and irons. They began to massacre us. I escaped to Ankara, where I lived nine months as a Greek. I saw at Keller Kemal and Feyaz. I don't remember the Commander Tevfik. There was a great multitude. I did not see him.

Mustaf Pasha.- You gave a list. What was it?

Stephen- I don't remember what was written in. They gave us and we brought it to Feyaz.

Prosecutor- Asked the names of those who have participated in massacre.

The eyewitness mentioned the name policeman Ahmed and others. He said in addition: "I am trembling when

actually ^speaking, they had in their hands axes, spade, pickaxe etc..." Kemal had in his hand a trumpet. When the trumpet called, the peasants began to massacre. I was bearing female clothes, was afraid and could not see many details. There are also exceptions: Mustafa Bey, Director of Secretariat in Yozgat (Tahrirat Müdürü). He is a good man. He did not harm any Armenian. Among those who were massacred were Kesdekian Ghazaros Efendi, Tekcyan Efendi. In the confusion we could not look everywhere. On one side they were loading, on the other side they were pillaging. It is impossible to remember names. I tried to save myself.

Kemal- The witness precised the person who played the trumpet. Let him say in which position he saw me.

Stephen- We were trembling at the sight of this man. There, the people show me and indicated that this man was Kemal himself. As to details of deportation, a town-crier called. Three days after we were deported. I was hidden at home until the day of deportation. I never get out to see the Kaymakam. All my relatives were massacred. I came to Ankara as a Greek, my name was Christaki. My relatives no longer lived.

Reverend Hagop was with us.

Kemal- He did not designate my position. ^{what} ~~how~~ he was ^{he} not a soldier?

Stephen- I ^{said} ~~told~~ that I was trying to save myself.

The name of this man terrorized us, we were trembling. For this reason I was interested to see ^{who} ~~him who~~ he was. I was in some place near Yozgat. I was not a soldier and when I returned to Yozgat, I was no ^{longer sought} ~~more searched~~ for, and did not presented myself to the Recruiting Office.

Saadeddine Bey, Defense Attorney- Had they taken anything from him?

Stephen- I was ~~Wearing~~ woman's clothing and succeeded ⁱⁿ ~~to~~ pass ^{my} from one side to the other, and so was not searched. The people began to attack ⁱⁿ ~~at~~ the presence of Kemal and Efyaz. Eight hundred carriages brought there Armenian deportees.

A written declaration of the same witness was read.

Questions were asked about details concerning deportation, as for example: what was written on the "Vesika" i.e. permit and to whom the papers were given? Men were separated from women and deported, why ^{was not} ~~he has~~ ~~not been~~ separated from ^{the} women?

The witness answered that he does not remember what exactly was written on the permit. "I was not identified, as he said, because the faces of women were covered," and that he was clothed ^{as} ~~and~~ as a women."

He ^{stated} ~~precised~~ that Meyaz had in his hand a revolver and there was a trumpet in the hand of Kemal. Peasants attacked at the signal given by Kemal.

Then Mrs. Veronica, a survivor of Yozgat massacres testified, as follows:

I am a native of Yozgat. Moslems celebrated Ramadan day. It was a Friday. Armenian men were arrested. They were tied together and deported next day. Then boys, women and children were all deported. I was with them. They collected all the money and valuables we had with us. We reached Keller in the evening. We were led to the valley of Keller.

Kemal here present killed my son and when I was taking care of him, they shot me ⁱⁿ ~~on~~ my back. We remained in Keller three days. They told us that we were forgiven. But those who stood, were shot again. Peasants raped girls and women.

I ^{took} ~~got~~ refuge in the home of a Turk at a village. Then I came to Yozgat.

President- ~~Mr~~ Did Feyaz and Kemal kill any person?

Veronica- They were on horseback. Feyaz killed Michael, my son-in-law, in Yozgat. He killed him with his sword. Feyaz killed also my daughter in Keller.

Feyaz- Michael Apelian was deported in the first caravan to Sivas when Jemal Bey was Mutesarif.

Mustafa Pasha- What you said now proves clearly that you know the details and circumstances of the deportation affair.

Feyaz- I pursued testimonies and I am aware of the details.

Kemal- In ^{which} conditions ^{she} was during three days?

Veronica- I was ^{exhausted} ~~extinguished~~.

Kemal- Who killed her daughter?

Veronica- Feyaz Killed her, while Kemal holding a sword gave orders and ~~she~~ shouted: "kill them".

Kemal- All ~~these~~ ^{is} informations ~~are~~ contradictory.

Lawyer Hasan Efendi- Women were killed, as she said, while she is saved, ^{How} ^{this} may be? Because she is an old woman, and is not beautiful ^{enough} to be saved.

Leon Remzi- She told that she was ^{exhausted} ~~extinguished~~ during three days. Then she regained strength ^{the}. She is 58 years old, saved from death, ^{and} cannot give more details than those she already gave.

A survivor Beatrice Varvarian, without oath, described the massacre at Keller valley. During this massacre her mother was killed. Many criminals on horse-back attacked, and her brother was killed, too... ^{she said} ~~they tied~~ ~~They attacked~~, she said, my hair ^{that} with the hairs of my mother in order ^{my} I be terrified by her murder and accept to become ^{my} a Moslem. Then they brought me into a village. I remained there two years. Although I saw the murder of my mother, ~~but~~ I don't know who was the murderer. Tefvik was present there, a sword in his hand.

As other witnesses had not come, the court ^{recessed} ~~postponed~~.

The Prosecutor urged to ~~bring~~ ^{bring} them subpoena.

1) *made*
 Personal Defense Attorney Haig ~~gave~~ a request to the Court. His request was read. He asked to bring more witnesses and more details.

The Defense-Attorneys of Kemal, Tevfik and Feyaz replied that these Armenian Personal Defense-Attorneys have no right to be present at the trial and to introduce witnesses.

The Panel retired and after a long deliberation, announced the following decision:

"~~But~~ Considering that the composition of this Court does not have a character merely of a military Court-Martial, that tries only officers and defines military responsibilities;

"Considering that this Court is composed of half military and half "adliye" civil Court of justice, which investigates the murders and plunderings committed during deportation, therefore its nature is not merely ~~an~~ military and that the trial does not completely proceed according to the provisions of military laws;

"Considering that before this Court personal attorneys were accepted, and the witnesses they introduced, were already heard;

 1. A personal attorney is an attorney without formal procuration from the persons whose rights he is defending, because the latter were massacred and left no legal heirs, and the government refuses to deliver death certificates.

"The Court decides to continue the trial in their (Armenian personal attorneys) presence and to hear under legal oath the witnesses they would introduce and who would be in Constantinople, because it is not corresponding to justice not to hear those deprived ones and forbid them to present their deprivations and claim justice." 1.

Hearing is ^{recessed} ~~postponed~~ to next Tuesday in order to make the presence of witnesses possible.

Two members of the Court had claimed ~~request~~ on February 15, 1919 to remove from the military Court the Armenian personal attorneys.

The Court decided as above, but the presence of Armenian personal attorneys is not desirable to the Defense and to the Court itself.

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1. "Jamanag", February 16, 1919, p.2, col. 2,3,4, 5.
"La Renaissance", No.

Turkish Extraordinary Court Martial

To try Deportation and Massacre

Session VII, February 18, 1919

The trial started on Thursday, February 18, 1919,
at 1:15 p.m.

Khalil Ibrahim Rejai Bey, 45 years old, of Monastir, former Acting Commander of the Fifth Army Corps at Ankara, testified as follows:

I don't know these three persons here present. The Inquiry Commission invited me and asked me questions about the telegram concerning the massacre at Boghazlian. I said that Shahabeddin Bey, Nokta Kumandanı at Kayseri, had despatched a coded telegram from Kayseri, in which he officially reported ~~to~~ to me that three hundred Armenians were massacred according to a communication he had received from Boghazlian.

The original of the telegram is preserved in Ankara. I despatched the same telegram to War Office.

A copy of the telegram in question was read.

(Put here the text of the telegram)

Colonel Khalil Rejai Bey, Acting Commander
of the Fifth Army Corps at Ankara

reported to War Office

information concerning the massacre
of three hundred Armenians

According to the contents of the telegram
he received from Colonel Shahabeddin Bey,
Acting Commander of the Fifteenth
Division at Kayseri

Transliteration.

English Translation.

Numara 2854.

No.2854.

Başkumandanlık Vekâletine

Decipher: Acting

Şifre:

Commander-in-Chief:

<p>Boğazlıyan civar kura Ermenilerden üçyüz kadarı müsellâh olarak Maden kaza- sının Boğazlıyan civar İslâm kurasına tecavüzla ika-i tah- ribat eyledikleri gibi, diğer bir kısım Ermeni halkında Bo- ğazlıyanın İslâm köylerine taaruzla taaruzla katl ve nehb ve gara- ta cerahat mahalli kaymakam ve şubeleri riyasetinin işar-ı</p>	<p>armed/ /Armenians of Boghazlian area at- Moslem/ tacked the/people of the villages of Maden in Boghazlian district, and other Armenian people attac- king the Moslem villages, caused damages, massacred and pillaged, The Kaymakam and the commander of the place of Maden informed the Acting Fifteenth Division Commander at Kayseri</p>
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üzerine Kayseri Onbeşinci Fırka Kumandanlığı Vekâletine bildirilmiş ve harekat-ı tecavüziyenin ahali-i mutiesi rencide edilmeksizin icraat-ı serian ve şediden gösterilmek suretiyle olduğu yerde basdırılması için Yozgat jandarma taburunun kamilen ve diğer kazalar jandarmalarında de icab-ı kadar kuvvetin istikameti mezkûreye sevk ve tahriki emri ita ve olbapte malûmat-ı vaziyet talep olunmuştur. Netice-i icraat ve takibat arz olunacaktır.

10 Temmuz 331.

Kolordu Kumandan Vekili:

[Halil Recai].

who in order to stop the attack and the pillaging of peaceful people, sent instruction to put ^{and} very soon with strong forces ~~and~~ to the movement, and order was given to the gendarmerie brigade of Yozgat and gendarmes of other districts to attack on the spot with force enough to carry out the order of destroying them [300 Armenians K] and to clear up the situation.

In another communication we will inform you about the results and the proceedings.

July 10, 1915 .

The Acting Army Commander:

[Halil Rejai K] 1.

JAJ.
1. ~~St. James Archives, Jerusalem~~, No. W548.

Prosecutor- Asked Khalil Rejai Bey whether or not military authority was interested. ~~in~~ Were you ^{as} asked any question about it?

Khalil Rejai- I communicated to Constantinople the telegram as it was.

President- Did you receive any answer?

Khalil Rejai- No answer.

We received instructions not to intervene in the affair of deportation. Civil authority was assigned the task. 1)

Leon Remzi- Boghazlian is under the jurisdiction of Ankara. Let him tell us what he knows about Ankara.

Khalil Rejai- There are files and dossiers. ^{Previous/y,} ~~Prior~~, all instructions which were given to the military authority, was to collaborate with the civil authority.

I asked the Vali of Ankara how he had to deport the Armenians, walking or otherwise. He told me that the Armenians had to walk. I insisted to send them by railroad. We could not agree. Then we received order not to intervene in the ~~affairs~~ affairs of the civil authority.

1. Military Authority had received many instructions concerning deportation of the Armenians. Since August 6, 1915, military Authority had no more to intervene in the affairs of Civil Authority.

Prosecutor- From ~~where~~ (Shahabeddin Bey received the coded telegram, which he communicated to You?

Khalil Rejai- He received ^{it} from Boghazlian. He did not tell me from whom. He did not add anything else.

Leon Renzi- Let him answer whether the families of soldiers and officers were exempted from deportation.

Khalil Rejai- Yes, there was such an instruction, and we did not deport them, i. e. families of soldiers.

Leon Renzi- The families of soldier at Ankara remained there thanks to the efforts of this witness, but it was not so in Boghazlian and other localities.

Prosecutor- An incident took place at Kum-Kuyu. Armenians were uprisen there. As a Military Commander, what this witness knows about?

Khalil Rejai- I don't know and I never heard about such a uprising.

Then another telegram despatched by Shahabeddin Bey to Khalil Rejai Bey was read.

(Put here the text of the telegram in question)

Khalil Rejai- There was not only ^{no} any rebellion, but also the Armenians of Boghazlian were removed from their homes, and the remaining few women and children could not ^{ever} appear ~~even~~ before the door of their home. The plunderings and massacres in the villages had taken great proportions. The Finance and the Treasury were largely forfeited.

President-Shahabeddin Bey sent to you such a telegram; what do you think about?

Khalil Rejai- I cannot now remember the telegram in question. 1

1. The Prosecutor did not order former Commander Khalil Rejai Bey to be seated in the box with the accused criminals.

Compare this with the testimony of Avni Pasha, Military Commander in Trebizond 1915, and now Minister of Navy, 1919, whose written report was read May 5, 1919, at the 14th session of the Court Martial:

"I received instructions from the Minister of War ordering me not to interfere in the matters of civil authority, within the competence of the Governor-General Azmi Bey. One must not confuse bandits recruited by Governor Azmi with bandits of the Teshkilatı Mahsusa, whose members were sent to the front line to fight".

Then, Christaki Pandelidis, a Greek Ottoman, Railroad high rank official, testified, as he was in Yozgat during the deportations and massacres of the Armenians.

It was a Friday, July 24, 1915 (1), early in the morning, that Mutesarif Jemal Bey carried out the order of deportation he had received concerning the Armenians of Yozgat district.

Two convoys of men were sent toward Sivas, a third group toward Kayseri. 2)

That day the Responsible Secretary of Union and Progress Party at Ankara, Nejati Bey arrived 3) in Yozgat to propose the extermination of the Armenians to Jemal Bey, who refused this proposal. For this reason Jemal Bey was dismissed from his office of governor and replaced by Kasap (butcher) Kaymakam Kemal Bey, here present, ~~YK~~. Every-one ~~ø~~ used to call him Kasap Kaymakam" i.e. the butcher governor.

1. July 24, 1915 was not a Friday, but Thursday. On Friday July 23, 1915, Armenians were arrested in Yozgat by order of Jemal Bey, July 26, 1915, 472 Armenian men were deported also by order of Jemal Bey. The order of massacre was given to Jemal Bey directly by Nejati Bey, who latter on in Choyr~~ym~~oum called Ghani Bey and asked to massacre the group of 472. And Nejati bey arrived Yozgat July 20, 1915,

I went to his (Kemal Bey's) residence to congratulate him on his arrival. (1)

I was unfavorably impressed ^{by} of him. When I left the konak (governor's mansion) , I saw Nuri Bey, a criminal policeman, who was there (2) swearing profusely and ordering Armenian women to get into the carriages. ^{It} Commission consisting of many well-known persons ^{was} set up to search Armenians and rob their money. For two or three days, the Armenian population remained on the outskirts of the town (Yozgat) in a precarious situation. There were three hundred carriages. I went there to visit some of Armenian families I knew. When I returned to town, I ^{went} ~~get~~ to the Telegraph Office. There I saw Kemal, freshly shaved, wearing a hunter's outfit and ready to leave. I asked the X Director of the Telegraph Service to help me. At first he refused me. Then he agreed to save the woman if she would embrace ^{the} Moslem faith and marry his brother.

Armenian women came to beg ^{not} to be deported via Kayseri. He (Kemal) went down and impelled ~~them~~ ^{He} ~~then~~ ^{to be brought} ordered to ~~bring~~ the carriages and deported them. It was 11:00 a.m.. We were worry about them, how they would be deported.

Officials were assigned for deportation, as Haji Mahmud, Salim Bey, etc..

I thought that they ^{would} will be deported in good conditions. I had acquaintances. I went to see them. I saw they were pillaged of all their possessions. A girl of nine years old had ~~z~~ a pillow. A gendarme killed her.

More than seven hundred carriages were ^a gathered there. Kemal came there in a carriage, bearing a hunter's outfit. At that time Mrs. Kechian, whose husband was a medical doctor and was at Chanakkale, had escaped and hidden in the house of a Greek.

We begged Kemal to save her, but he refused. Then a Moslem proposed ~~her~~ ^{her to} marry ~~with~~ his brother. We had recourse to Kemal Bey: "Rich families must be destroyed, but this lady may be saved" if she accepts ~~in~~ the Islamic faith.

Then I went to Salim Bey, Director of the Recruiting Office. He was in a bad mood. I asked him ^{what was} the ~~the~~ matter. The Kaymakam (Kemal) had called him and suggested ~~to sign~~ ^{ing} a statement of death-sentence for the Armenians who were deported and will be deported to Keller. Nevertheless, Salim Bey refused to be involved in the massacre. A few days latter, the infamous Nejati Bey arrived from Chorum and ordered Salim Bey's dismissal.

During Jemal Bey's administration, the deportees were massacred in the Kayseri district. After being

informed that the deportees were massacred in Boghazlian, the Vali of Kastamouni, Reshid Pasha, wrote to Kemal Bey about the incident. The latter then changed the "slaughter-house" from Boghazlian to Jevizli-Man. He was responsible of crowding two hundred Armenians into a stable and taking them, three by three to the "slaughter-house", where gendarmes (5 bands of chetes) and peasants were waiting there to kill them in his presence. Later he resorted the trickery to bring ~~out~~ ^{those} from their hiding places, Armenians who had managed to take refuge. He ordered the towns-criers to announce that those converted to the faith of Islam would be spared. Just the opposite occurred. These events are known by everyone in the area. Among the victims was a man named Keyayan from Injirli..."

President- Where you heard from?

Christaki- Those Armenians who accepted the Moslem faith came and ^{told} ~~related to~~ me. Artin Kehya was one of them.

Prosecutor- When Nejati Bey came from Ankara to Yozgat, rumors were spread that Jemal Bey would be dismissed. ^{from} ~~Whom~~ ^{did you hear} ~~you~~ heard this [?] from?

Christaki- We heard ^{it} in the town, because Jemal Bey did not destroy Armenians.

Prosecutor- How many Armenians were in Yozgat and how many there are now?

Christaki- Armenians had 2000 houses in Yozgat. Now they have only 200. The survivors are women and orphans, with^{out} any support, in general families of soldiers.

Husni Bey (Defense Attorney)- Kemal Bey has gone in a carriage following Armenian deportees. What was the color of horses carrying the carriage?

(Laughters in the court-room).

Christaki- Why ^{do} I have to know the color of the horses? Could I know that I ^{would have} ~~had~~ to come here one day to testify?

Husni Bey- Was the witness sentenced?

1. "Jamanag", February 19~~18~~, 1919, p.2, col. 2,3,4.
- "Jagadamard", February 19, 1919, col. 4,5.
- "La Renaissance", No.63, February 19, 1919.

Turkish Extraordinary Court Martial
to try Deportation and Massacre.

VII Session

Christaki- I am an official in German Society. I protected y few Armenians. Two Turks went to Kayseri and made calomnies that I had spoken against the Moslem religion during Balkan War. This was not established and I was acquitted.

President- What do you know about Tevfik and Feyaz?

Christaki- Feyas was an official of "Abandoned Goods" charged to collect Armenian possessions.

These possessions were gathered in the Armenian church of Yozgat. He was at the same time the representative of Union and Progress Party.

Tevfik escorted by gendarmes the Armenian caravans deported by Jemal Bey. Tevfik Bey said that he went to pursue "chetes". I did not see the crimes he committed. He went with the Armenians deported by Jemal Bey, but then he went to Chat, when Kemal Bey was governor of Yozgat. He used to go return.

President- Before the deportation of the Armenians Tevfik was a simple major (Binbaşı). How he could buy a farm of a value of 30 to 40 thousand Turkish pounds (dollars 105.000 to 140.000)?

Christaki- I heard that he bought grounds, but

I don't know how much these cost.

Kemal- Where ^(I was) going in a carriage?

Christaki- When the possessions of the Armenians were confiscated, Kemal was with Tevfikzade, Abdullah, etc.. then he has gone in a carriage.

Kemal- Why ^{did} Salim Bey ~~did~~ not sign the written statement?

Christaki- I was a close friend of Salim Bey. That day he was ^{de} oppressed. I asked him ^{what was} the matter. He explained, as I ^{said} told, after the massacres in Kelller, peasants brought and sold in the market of Yozgat the bloody linen and shirts collected from the Armenians massacred.

Harootun Mosdichian, Judge- What was the position of Feyaz and has he left the town?

Christaki- He was an official "of Abandoned Goods". I don't know if he went with the Armenians.

Mosdichian- Who were the chiefs of chetes-gangs? (çete-başı).

Christaki- Dervish, Abdullah, Riza, Kuchuk Hafız.

The Defense-Attorney of Tevfik- Was Tevfik giving direct orders? This must be verified.

Christaki- Tevfik used to go and come back. When he was in town, he accompanied the Armenians; when he was not there, sergeants would escort Armenian caravans.

Simon, native of Harpout, 29 years old, a student of law at Constantinople, who was in Yozgat in 1915, testified:

I was exiled from Constantinople to Yozgat and I saw very often Salim Bey. He was dismissed from office during the deportation of the Armenians.

There, in Yozgat, people do not use the term "deportation" (tehcir), they say "massacre" (kesim). 1. Kemal had called Salim Bey and proposed ^{to} him to collaborate in the matter of Armenian massacre. He refused. He was dismissed from his office and lived in misery until today.

Nadir Pasha- Why you have been exiled?

Simon- Because I was an Armenian.

President- What did you hear about this matter?

Simon- Tefvik accompanied the caravan to Tash-Pounar. Feyaz committed crimes and plundered the Armenians. Not only Armenians, but also Tirks know the crimes committed by Kemal and generally he is called, by Turks and Armenians, "Kasap Kaymakam" i.e. the butcher governor.

Kegham of Yozgat, 19 years old, a survivor of massacres, testified: We were deported from Yozgat. We continued our walk, were pillaged, stripped and robbed. Kemal came there and asked: "Why did you not kill these people?" The gendarme presented him a

written order. He took it and t^urn~~e~~d.

We paid 450 Turkish pounds and we were saved. We went in direction of Boghazlian. Others came then to join us. We got a few people. They claimed again money as bribery.

We heard at night a noise: a girl was raped. Then they began the pillage and massacre. I escaped with few people. Some of us were shot. Two Turks saved us.

President- When the gendarmes brought the ordinance, how^{did} they obeyed Kemal Bey to commit crimes?

Simon- They were not gendarmes of our town. They were gendarmes of Yozgat.

Mustafa Pasha- Who perpetrated the massacre?

Simon- Four of the gendarmes who perpetrated massacre are until today in prison at Ankara. Their accomplices were peasants. The Mutesarif of Kayseri called us and held an investigation. We explained him details of the affair. Upon this four gendarmes were arrested.

By order of the President, the recording secretary of the Court, read an important statement written by Mehmed Efendi, the Mufti of Boghazlian. The latter related how the Armenians were massacred. He was very sensitive, and once he was in a meeting at the Recruiting Office, he ~~y fzxix~~ looked very sad. Kemal said to him. "Are you more merciful than the Government?"

"No, answered the Mufti, but I am afraid of God's anger".

Then the Mufti reported the plunderings and seizures of possessions and property of the Armenians. He revealed that massacres were perpetrated by those designated as gendarmes by Kemal Bey.

The Mufti partly corroborated what Armenian witnesses had testified before the Court, describing deportation and massacre. He added that Kemal had threatened Moslems not to protect Armenians and that massacres were perpetrated by temporary gendarmes. 1.

~~Presiding~~ President- to Kemal- What do you think?

Kemal- I don't know such things. I never designated individuals from people as gendarmes. (2)

President- Why ^{should} this old Mufti ~~should~~ lie?

Kemal- I don't know. He does not say that people killed themselves.

President- Did you not hear? You asked the Mufti: "Are you more merciful than the Government"?

What does it mean?

Kemal- Nothing like this.

Prosecutor- urged to bring witnesses.

1. 2. "Temporary gendarmes" were the criminals released from prisons and disguised ~~as~~ with gendarme uniform. And other individuals who had already qualities for banditism, as it is said in documents.

Bakirji Mahmud and other persons, implicated in the massacre of Yozgat and Boghazlian are now on their way to Constantinople.

The minutes of their respective examination will be delivered to the Court ^{UN} until next session.

The Court decided to ~~call~~ subpoena those witnesses who were not present, to bring from Yozgat Salim Bey, and invite the former Mutesarif of Yozgat Jemal Bey and the civil inspector Nedim ^Bey, as well as an other introduced by Attorney-General. 1

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1. "Jananag", February 20, 1919, p.4, col. 1, 2, 3, 4.
"Jagadamard", February 20 19, 1919.
"La Renaissance", No.64, February 20, 1919.

Armenian soldiers' families
exempted from deportation

Transliteration.

English Translation.

Numara 4/1891

No 4/1891.

Kayseri Fırka Vekâletine

Decipher: Acting Commander

Şifre:

Division, Kayseri:

Cevap 27-5-331 ve

Reply to the telegram No 222

222 Şifreye:

dated 27, 5, 1915.

Evlad ve zevceleri
hizmeti askeriyede bulunan
muinsiz ailelerin sevk-
leri icabetmez.

Those families whose sons
and husbands are soldiers, are
exempted from deportation.

28 Temmuz 331.

July 28, 1915.

Kolordu Kumandanlığı

Acting Commander of the Army,

Vekâleti:

Ankara:

Miralay Halil Recai.

Miralay Khalil Rejai. 1

1. ~~St. James Archives, Jerusalem~~, No. h 620.

J4J1

Turkish Extraordinary Court Martial
to try Deportation and massacre

Session VIII. February 21, 1919

The Acting Commander of the Fifteenth Division at Kayseri, Colonel Shahabeddin Bey, who had telegraphic communications with Boghazlian and Yozgat, as well as with Colonel Khalil Rejai Bey, Acting Commander of the Fifth Army Corps at Ankara, arrived from Smyrna to Constantinople. He appeared before the Court-Martial and stated that he was the President of the Recruiting Office at Kayseri and commander of Division. He denied of having received an official notice concerning the deportation of the Armenians of Yozgat.

President- You despatched to Colonel Khalil Rejai Bey a telegram concerning the Armenians of Boghazlian.

Shahabeddin- I did not send telegrams to Colonel Khalil Rejai Bey, except telegrams concerning the affairs of Kayseri.

The Prosecutor would identify the person of Col. Shahabeddin, because in Syria there was another Col. Shehabeddin, who cannot be identified with ^{this} ~~this~~, as he was a member of the Court Martial in Kayseri, and who had no right to communicate ~~and~~ directly with the commander of the Army, Khalilⁱ Rejai .

The Prosecutor concluded that the telegram in question to Khalil Rejai was despatched by Col. Sha-

habeddin, Commander of the Fifteenth Division at Kayseri, who had received information from a subaltern officer at Boghazlian. Was the latter Kemal or another?

Shahabeddin answered that the Commandantⁿ of Place of Boghazlian had to send information contained in the telegram in question.

~~President~~ President- Has Tevfik Bey asked you ^{for} soldiers to repress rebellion?

Shahabeddin- Yes.

President- Certainly you were interested to know what happened to the soldiers you sent. Was the rebellion repressed? Have you received any report?

Shahabeddin- I communicated to competent authority the reports I received.

Prosecutor- In an other telegram Shahabeddin says that the possessions of the Armenians of Boghazlian were pillaged.

Shahabeddin was hesitant to give a direct answer. He turned it this way: "I ^{did not have to} ~~had not to~~ despatch such a telegram".

Prosecutor asked if he ^{could} ~~can~~ explain the matter and tell the Court what he did hear.

Shahabeddin gave an evasive answer, ~~that that~~ ^{and} ~~what what~~ ^{he did} he hear was only rumor, gossip, and that as an officer he could not take it into consideration.

Shahabeddin said that he did send two hundred soldiers as ~~it was~~ demanded, ~~and~~ that the latter had only light ³shocks, and in addition, he ^{said} told that he did not receive telegräm concerning the massacre of three hundred Armenians.

Prosecutor asked whether soldiers were dispatched by Shahabeddin before or after deportation.

Leon Remzi- As a commander Shahabeddin had to know how many Armenians ~~were uprisd.~~ ^{rose up.}

Feinting he asked for a chair. He was brought

Then by order of the President, a short report written by an Armenian soldier was read:

In Yozgat I went to the house of Captain Husni Bey, because I was in his service. There was something extraordinary happening in the town. The wife of the Captain did not allow me to get out. From the place where I was hidden, I do see Uzoun Ahmed (a chief of chete) who was at the head of the mob and ~~shun~~ shouted: "Our mothers have born us for today" and ha pushed the Armenians out of the ~~deaths~~ homes.

Next day I went out with Garabed. We were both arrested and brought to Salim Bey as both we were soldiers. I don't know what happened to Armenians who were deported out of town, but Armenian women were distributed five by five in Moslem villages.

All these atrocities were commanded by Kenal Bey.

I heard that he and Feyaz were in deliberations making decisions, which they used to carry out next day.

The Hoja (religious leader) of Karabiyik village has converted Armenians to Moslem faith in order to save them from deportation and massacre. Kemal went to Karabiyik to annihilate also converted Armenians. The Hoja came to meet Kasap Kaymakam and said to him that ^{the} Moslem religion does not allow massacre of these converted Armenians Kemal replied: "You converted Armenians according to Moslem Law, and I shall annihilate them according to my policy."

Kemal, Tevfik and Feyaz denied what was related in the report of the Armenian soldier.

Anotehr statement of the same witness was read. He asserted to have eye-witnessed 540 Armenians tied together, deported out of town. Tevfik was at their head.

Prosecutor- remarked that Tevfik had confessed that the arms of the Armenian deportees were previously tied together.

Then Tevfik explained as follows, saying that gendarmes were not enough, their ^unumber was very limited, and for this matter the arms of the Armenian deportees were tied together to make them unable to escape.

At this time Shahabeddin was brought to the courtroom and he stated that the rebel Armenians were only five or six persons, who had refuge on the mountain.

To repress these six persons Shahabeddin had sent two hundred soldiers. 1

1. "Jamanag", 22 February 1919, p. 4, col. 1,2,3,4.

The telegram in question was despatched by Mustafa Eya Bey, Commandant de Place of Boghazlian, to Kayseri to Colonel Shahabeddin Bey, who in turn despatched it to Ankara to Colonel Khalil Rejai Bey, who hierarchically communicated it to War Office.

X (p5)

Boghazlian Authorities
refuse to deliver to High Authorities
a register containing
the names of more than fifteen hudred
Armenians massacred
by order of Kemal Bey
Kaymakam of Boghazlian.
Inquiry Commission urges him
for explanation.

Transliteration.

English Translation.

Numara 18.

No-18.

Şifre Mahlulu

Decoded Telegram

Kaza kaymakamlıktan tenkil edilen Ermenilerin miktarıyla bir kıta defterinin makamı Alilerine takdim edilmek üzere 12 Temmuz 331 tarih ve 377 numaralı tahriratla talep edilip, 13 Temmuz 331 ve 379 numaralı müzekkere ilede tekit edildiği halde, mezkûr defterin elyevm vürut etmemesi ve Kaymakamı mümaileyhinde lisanen kasaba ve kurada binbeşyüzü mütecaviz Ermeni katledilmiş

In order to deliver to High Authority, a request was made to the Government of the district by a notice No 377 dated July 12, 1915 and the first notice was confirmed by a subsequent request No 379 dated July 13, 1915, urging to give the register containing the number and the names of the Armenians massacred, although the Kaymakam has stated publicly that more than fifteen hundred Armenians were massacred,

X (fs)
2

olduğuna ifade etmiş isede, however, the register has not
defterin elyevn vürut etmediği. arrived yet until today.

14 Temmuz 331.

July 14, 1915.

Boğazlıyan Şube Reisi:
Mustafa.

Commander of the Place of
Boghazlian:

Mustafa. 1)

Kemal Beye:

To Kemal Bey:

Sual- Boğazlıyan kasabasıyla
kariyelerde binbeşyüz den
fazla Ermeni katledilmiş
olduğu ifadenize atfen Bo-
ğazlıyan Şube Reisi Mustafa
Bey tarafından Fırka Kumandanlığına bildirilmiş, Kayseri
Fırka Kumandanıda Kolorduya
bildirmiş.

Question- According to
your statement it is evident
that from Boghazlian and villa-
ges more than fifteen hundred
Armenians are massacred. Musta-
fa Bey, Commander of Boghazlian
place has communicated to the
Command of Division, and the
Division Commander at Kayseri
has communicated the same to
the Army Command. 2)

- 1) ~~St. James Archives, Jerusalem, No. W 541.~~ 1
2) ~~St. James Archives, Jerusalem, No. W 272.~~ 272.

J 45

Session IX

President Hayret Pasha- Kemal Bey, you shall hear now the telegram despatched by the Chief of the Recruiting Office of Boghazlian dated July 14, 1915 stating that fifteen ^hundred Armenians were massacred in Boghazlian and vicinity, you being the governor.

Kemal- I don't know.

By order of the President a copy of the telegram was read. Kemal was pride to have ~~15~~ fifteen hundred Armenians massacred.

x (put here the text of the telegram). 1)

Then another telegram was read.

The Commandant de Place of Boghazlian had despatched to Shahabeddin Bey, in Kayseri, who in turn communicated it to Ankara to the Commander of the Fifth Army Khalil Rejai, The telegram stated that thirty-six hundred sixty Armenian men were massacred until July 23, 1915.

x x (put here the text of the telegram). 2)

Kemal again tried to state that this was a simple cal^uomny.

President- Tefvik Bey, you explained that the affair of pursuing rebels in the village of Terzili was a kind of routine.

Tefvik said that he went to Terzili to repress

- 1) See precedent two pages
- 2) See next two pages

XX (p57)

Captain Mustafa Bey reports
to the Fifteenth Division Commander
that thirty six hundred sixty Armenians
of Boghazlian and villages were massacred
by order of Kemal Bey, Kaymakam of Boghazlian.

Inquiry Commission urged

Kemal Bey

to explain this fact.

Transliteration.

English Translation.

Adet 207.

No 207.

Şifre Mahlulu

Decoded Telegram

Ankara Kolordu Kumandanlığına

Decipher: Army Commander at Ankara,

Şimdiye kadar Boğazlıyan
kasabasıyla kurası dahilinde
bulunan Ermenilerinin Boğaz-
lıyan Kaymakamı vasıtasıyla
üçbinaltıyüzatmış Ermeninin
katledilmiş olduğu Şube riyase-
tinin iş'ar-ı telgrafisini
atfen mâruzdur.

I have the honor to inform
you that according to the tele-
gram of the Commander of Place
thirty six hundred sixty Armenians
of Boghazlian and vicinity were
massacred by order of the Governor.

23 Temmuz 331.

July 23, 1915.

Fırka Onbeş Kumandan

Acting Commander of the

Vekili;

Fifteenth Division:

Şahabettin.

Shahabeddin. 17)

XX (105)

2

Kemal Beye

To Kemal Bey

Sual- 23 Temmuz 331 tarihine kadar Boğazlıyan kasabasıyla kariyelerinde senin üçbin-altıyüzaltmış Ermeni katlet-tirmiş olduğun Fırka Kumandanı Şahabettin Beyin Koloğduya çekdiği 207 numaralı 23 Temmuz 331 tarihli şifre mahlulunda muharrerdir.

İşbu miktar ancak 23 Temmuza kadar katlonan Ermenilerin miktarıdır.

Question- You had thirty six hundred sixty Armenians of Boghazlian and villages massacred until July 23, 1915, according to the decoded telegram despatched to Army Command July 23, 1915 by Division Commander Shahabeddin Bey.

This number is only the number of Armenians massacred until July 23, 1915. 2)

2) St. James Archives, Jerusalem, No. W^P 541.

JAF

the rebels, that he met there a young Armenian from America disguised in the clothes of a priest, that suspecting this young Armenian, he ordered to search all the village ^{to be searched} and found there eighty Armenian deserters, who had escaped from prison, but further pursuit made it possible to kill ^{some of} them partly and to arrest others.

Tevfik then related another episode: he did receive information that in Mersina, ^{on} Cilician sea-shore, five cannons were landed by care of the Greek consul, that one of these cannons was brought to Terzili to help there the rebels, that Tevfik himself made an investigation and arrested two Armenian revolutionaries according to the indications of another notable Armenian, both disguised ^{one/} in sheperds' clothings, the other in miller's clothing, as well as an Armenian named Hampartzoum Chavush who had opened fire from the cannon. After inquiry twelve more accomplices were arrested who have succeeded with many others to escape from prison by destroying the deck roof of the prison. ~~Being~~ During investigation many Armenians were killed and thirty others arrested and sent to the labor battalion of Sivas.

President- There is another telegram. You were ordered to mold an investigation concerning the atrocities committed by gendarmes.

Tevfik- I don't remember.

The 7 telegram was read.

Tevfik- Perhaps I received such a telegram, but I don't recall from whom.

Another telegram signed by Shahabeddin was read stating that gendarmes had committed unprecedented atrocities in Akdaghmaden and pillaged, twelve Armenians imprisoned as being chetes.

Tevfik tried to justify always creating episodes concerning Armenian activities, called revolutionary, especially certain banditism committed by Armenians in Tchar-Dagh. He insisted that until today sixty Armenians chetes are operating in Tchar-Dagh as they have despatched a telegram signed by chief-chete Samuel to the Gendarmeri Commander of Yozgat, that since four years Armenian chetes are on a mountain ready to come down if their lives would be save.

Another telegram despatched by the Chief of the Recruiting Office of Boghazlian was read stating that by order of Kaymakam Kemal Gendarme Husein Avni massacred fourteen Armenians considered dangerous.

(put here the text of the telegram.)

Another official telegram was read informing that Muhasebecji Vehbi and accused Feyaz had plundered and pillaged many Armenian villages.

(put here the text of the telegram).

Feyaz tried to deny and justify.

Once again Shahabeddin was heard.

President- I hope that now you may answer the questions in fresh memory.

Shahabeddin- Let them read the telegrams ^P Perhaps I will remember.

President- In a telegram you asked if those Armenians in workers battalions should be deported as the other Armenians.

Shahabeddin- I don't ^{not} hope so.

President- How ^{can} do you not hope? On August 11, 1915 you informed in a telegram the Fifth Army Commander that an order was given from Yozgat to the Kaymakam of Akdagmaden ^{also} to deport ~~equally~~ the Armenian families of soldiers.

(put here the text of the telegram).

The telegram was read. It shows that Kemal had stated not to ~~have~~ leave any trace of Armenian.

Kemal, I don't ^{not} remember. Perhaps I communicated as it was an order that I had received from high authorities.

President- Shahabeddin Bey, what do you have to say about your telegram in which you report that one hundred thirty Armenians delivered to gendarmes of ¹¹ Boghaz~~yan~~ were massacred at Jevizli-Han?

Shahabeddin- I have no information. It may be

that I ~~have~~ communicated a telegram that I had received.

(put here the text of the telegram).

Tevfik- I punished all the gendarmes who committed abuses.

In another telegram, which was read in the courtroom, Shahabeddin stated that he sent military force to stop ^{the} massacres of the Armenians of Boghazlian and prohibit ~~to be~~ ^{their} ~~continued~~ ^{action}.

Shahabeddin confessed that he remember this.

Prosecutor- Although Shahabeddin Bey gives always evasive, hesitating answers, however there is evidence that these telegrams are his and consequently official. I would ask him, however, ^{was he} ~~has he~~ been sure about the results every time he had sent forces to establish public order?

Shahabeddin- Indeed good results and prevention of the massacre of the Armenians.

Prosecutor- It means that if every official had done his duty, no atrocities would ^{have} happened.

Shahabeddin- with hesitation, indeed.

Judge Mostichian- In a telegram you stated that 3160 ~~17~~ 1) Armenians in Boghazlian were massacred. Have

1. There is a discrepancy in the number. In the Turkish text of the telegram the number given is 3660, ie. ~~3~~ thirty-six hundred sixty.

you been in any way interested in?

Shahabeddin- Military authorities did ~~not~~ not interfere in the matter of deportation.

Prosecutor- Shahabeddin Bey's official telegrams show that Kemal has organized the massacre of the Armenians of Yozgat and Boghazlian. Has Shahabeddin any information about this?

Shahabeddin- I ^{cannot say} ~~can't tell~~ that massacres were organized necessarily by Kemal Bey.

Elize was called. She is of Bardizag. She had heard that Feyaz committed atrocities in Yozgat. She had Feyaz arrested. But as she is not from Yozgat, she has no information to give.

Trial postponed to Wednesday. 1

Concerning Armenian movement in Boghazlian district, Colonel Shahabeddin refutes what he has until July 14, 1915 reported to Colonel Khalil Rejai, Fifth Army Commander.

Transliteration.

Numara 169.

Ankara Kolordu
Kumandan Vekâletine:

Şifre.

Boğazlıyan kazası dahilinde hareketi isyaniyeye dair hiç bir delil olmadığı ve bu kazaya merbut Ermenilerin meskûn bulundukları kura kâmilten denilecek derecede Kaymakamı kaza ve nahiye müdüranı taraflarından tathir edildiği ve kurada kalan Ermeni ailelerin çocukları değil sakin bulundukları karyelerine çıkmak hatta hanelerin kapılarının önlerine bile çıkarılmamakta oldukları ve ahvalı mües-sifeden biride kaza dahilinde

English Translation.

No 169.

Decipher: Acting Commander
Fifth Army, Ankara.

The commander of the reconnaissance patrol informs me there is no sign of any insurrectional movement in Boghazlian district; that the villages inhabited by Armenians have been, as we are sure, completely purged (tathir) under the direction of the Kaymakam and village civil officials. Not only did Armenian children, ~~refrain~~ remaining in the kaza, refrain from playing in the streets of the villages where they lived, but also Armenian adults refrained from stepping outside their homes.

jandarma ikmal efrad-ı,
 Çerkez süvari atlıları
 ve İslâm ahali taraflarından
 Ermeni kariyelerinde
 dehşetli yağmagirlik
 hükm ferman olduğu ve bun-
 dan Hazinenin Celilenin
 pek ziyade mutazarrır
 olacağı müfreze kumandan-
 lığının iş'arından anla-
 şıldığı ve mekavide devam
 eden bu yağmagirliğin ne
 derece sui tesir ve sirayet
 edeceği ve ne gibi ahvalın
 mühtuşuna huzuruna sebebiyet
 vereceği vâreste-i arz ve
 izah bulunduğu cihetle şedi-
 den meni esbabının istikmalı.

14 Temmuz 331.

Kayseri Fırkası Kumandanı/
 Vekili: Şahabettin.

Beşinci Kolordu Himayun
 Ahz-ı Asker Heyet-i.

İşbu suret aslına muta-
 bıktır. 27 Kanunisani 335.

Möhür: Beşinci Kolordu

Şube memuri Kidemli Yüzbaşı
 İsmail Rifât.

One of the unfortunate events
 in the kaza is a violent pillaging
 of Armenian villages by temporary
 gendarmes 1), Circassian horsemen
 and Moslem people. We must abso-
 lutely prohibit ^X continuation of
 thⁱs brigandage for it creates
 a very bad impression which could
 cause serious ramifications and
 consequences.

July 14, 1915.

Acting Commander of the
 Fifteenth Division, Kayseri:
 Shahabeddin.

*x This will cause a great
 prejudice to the State
 Treasury.*

Headquarters of the Recrui-
 ting Office, Fifth Army Corps

Certified copy conform to
 the original:

January 27, 1919.

Seal: Official at the Fifth
 Army Command Senior Captain:

İsmail Rifaat.

Turkish Extraordinary Court Martial
to try the deportation and massacre

Session X.

February 26, 1919, at 1:30 p.m. the Court remarked that ^{all the} witnesses had not come, ~~all~~.

The Prosecutor had proposed to hear two witnesses in Yozgat, but ^{the} ~~the~~ Court decided to hear them in Constantinople and ordered to pay ^{ing} the travel expenses.

The prosecutor called ^{to} the attention of the Court that Feyaz had confessed having bought the episcopal ring of the Primate of Yozgat, Msgr. Nerses Danielian, from the Commission of Liquidation. He ^{asked} ~~used~~ to verify this fact. Feyaz told that he has two witnesses in Constantinople, who being members of the Commission of Liquidation ^{might} ~~may~~ testify that the ring was sold and bought by Feyaz.

The Prosecutor proposed to hear the witnesses presented by the defenses, while formalities are taking place.

Tevfik Bey's report was read, stating that he was not a creature of ^{the} Union and Progress Party; that he had not collaborated with Nejati Bey, Responsible Secretary at Ankara; that even he was in opposition ^{to} ~~with~~ Kemal; that he had been Gendarmerie Commander in Scutari, and that Kemal was Kaymakam of Gebgha, so that Kemal has made a ^{complaint} ~~plaint~~ in Yozgat against him. He said once again that there was a revolutionary movement in Kum-Kuyu;

that he accomplished his duty of repressing such a movement, ^{and} that he assigned as gendarmes from the people only old men and in addition that he had placed the families of deportees in Turkish villages and took care of them. He proposed to call some people to come to Constantinople as witnesses.

Prosecutor. This \neq trial is not the one of ^{the} Union and Progress Party, but the trial ~~of~~ crimes committed in the district of Yozgat, consequently he cannot be justified in ~~this~~ matter even if he does not belong to that Party. Also, ~~he is not~~ ^{and he} be he a friend of Kemal, ^{or not,} it cannot change the course of this trial, because friend or not, both have acted for a determined aim.

As to the massacre of Kum-Kuyu, some witnesses were heard, for the time being I do not see any utility ⁱⁿ ~~to~~ bring ^{my} ~~some~~ documents, or to hear witnesses.

Leon Remzi-Tevfik and Kemal really were opposed to each other, because they had not made an agreement to share the rich gold of Armenians by the thousands.

The so called event of Kum-Kuyu, is not other than the fact of a few Armenians who were successful ⁱⁿ to escape ^{my} from Yozgat and find ^{my} refuge in Kum-Kuyu. Suppose ~~if~~ that what is said by Tevfik be true, what happened in Yozgat to ~~the~~ the hands and arms of the Armenian deportees before their deportation. As to his honesty, during the massacres, he bought a farm for 40 ^{or} 50 Turkish pounds.

If this case ^{was} ~~is~~ only investigated, we will see then the truth of his statements, consequently, to call and hear witnesses is only wasting time.

Defenses of Kemal, insisted and urged that the Court hear witnesses.

The Court retired for deliberation.

Decision was made to hear Jemal Bey, former Mu-tesarif of Yozgat, as well as Rifaat Bey, as to Refik Bey and Salim Bey, to despatch telegraphic orders to hear them in Yozgat, to take into consideration the request of Tefvik in the future, and to continue the trial when witnesses will arrive to Constantinople. 1

1. "Jamanag", February 27, 1919, p.4, col. 1,2,3.

Turkish Extraordinary Court Martial
to try deportation and massacre

Session XI. March 5, 1919.

The trial of Yozgat was postponed for several days. On March 5, 1919, at 1:20 p.m. the trial of the perpetrators of massacre began.

Jemal Bey, 55 years old, former Mutesarif of Yozgat, under oath stated that he knew well three defenses.

"I was governor of Tokat, and went to Yozgat as Mutesarif on May 5, 1915. July 10, 1915 the deportation of the Armenians of Yozgat began. This caused an agitation among the population, both Moslem and non-Moslem. Tevfik sent me a written information that he was goingⁱ to Maden on July 10, to repress there rebels.

Moslems were afraid to be attacked by Armenians chetes. Tevfik gave a report concerning his activity, enumerated some rebellions and urged to deport the Armenians of villages who were, he said, with cannons, and replace them by Moslem ~~pp~~ inhabitants.

I myself initiated an investigation as soon as I received information concerning the cannons. But I saw that there^{were} no rebellions. There were only^a few Armenian deserters³², who had found refuge in the villages⁸.

July 18, 1915, I received the order to deport the Armenians of Yozgat. The order ~~precised~~^{stated} that the

XX

X *[Signature]*

Atif Bey, Provisional Governor General of Ankara
despatched order
to Jemal Bey, Mutesarîf of Yozgat
to deport to Zor under escort
the prominent Armenians of Yozgat

Transliteration.

English Translation.

Yozgat Mutasarrıf-ı

To Jemal Bey , Mutesarîf

Cemâl Beye:

of Yozgat:

Liva dahilinde bulunan
Ermenilerden Komiteye mensup
olanlar ile mensup olması
muhtemel bulunanların ve bil-
hassa muallim, doktor, eczacı,
papaz, tüccar, avokat efkârı
fâside naşirlerinin vücudî
memleketin emniyeti hazıra
ve selameti atıyesi nokta-i
nazarından muzır ve tehlikeli
bulunanların derdestleriyle
Zor havâlisinde bu gibilere
tahsis olunan mahallî sevke-
dilmek üzere mahfuzen yola
çıkarılması ve esna-i sevki-
yetta mal ve namuslarını

Among the Armenians resident
in your district, the presence
of those who are members of Com-
mittees, or those who are sus-
pected to be involved in, espe-
cially professors, medical doc-
tors, pharmacists, priests, tra-
desmen, lawyers, propagndists
of subversive ideas being consi-
dered hamful and dangerous for
the actual security and the futur
salvation of our country, you
are requested to arrest and de-
port them under escort to the
localities of Zor especially
designated for this category

tahtı muhafazada bulundurma-
sına dikkat edilmesi tavsiye
olunur.

18 Temmuz 331.

Ankara Vali Vekilâ:

Atif.

of individuals.

It is fit to ^{exercise} control during
their transportation to protect
their possessions and to save
their honor. I let me know the re-
sults. July 18, 1915.

Provisional Governor General
of Ankara:

Atif. 2

1. Atif Bey, member of the General Headquarters of Union and Progress Party, and Deputy for Ankara, was sent to a special mission to convince Mazhar Bey, Vali of Ankara, to deport and massacre Armenians. Mazhar Bey simply invited Atif Bey to take the chair of Governor and carry out what he was proposing him to do.

In other telegrams of military commanders concerning protection, three terms were used: "CAN, MAL ve NAMUS", i.e. LIFE, POSSESSION and HONOR. In his order Atif used only "MAL ve NAMUS", and did not recommend to protect the lives of Armenians to be exiled under escort to Zor, which is tantamount to kill on the route.

2. St. James Archives, Jerusalem, No, h 612.

military authorities had received order; to remove from Yozgat Armenians considered dangerous, as ^{well as} those who belonged to the political Parties, those who had leadership among the people, etc..

(X)

(put here the text of the telegram
sent By Atif Bey to Jemal Bey).

I answered ~~to~~ the Vali and remarked that Yozgat was not a military zone, and that I had to control public security in that area, while military authorities had received the same order and had the control of deportations.

I got meetings and deliberations with Salim Bey, Major Commandant de Place of Yozgat. Salim was a very courageous, honest and laborious man.

We decided to deport Armenians but in the limits of the regulations, assuring their security en route, without any prejudice. This was the duty of the Government.

We deported the first caravan via Sivas, and received ^{cu} documents that the caravan was delivered to the authorities of the Sivas province. 1

1. July 21, 1915, Nejati Bey came to Yozgat and gave Jemal Bey orders to massacre Armenians because deportation was only a mean; to perpetrate massacres, and Nejati explained to Jemal Bey that this was the order not only of the Central Committee of Union and Progress

Muammer Bey, Vali of Sivas, made a protest that it was not fit to deport through Sivas province, and proposed other ways, to deport them via Kayseri. I was obliged to deport a second group of the Armenians of Yozgat via Kayseri, assuring all securties. Salim Bey accompanied them and received letters concerning their safety.

We received new orders and instructions to collect the money and valuables from Armenians before their deportation. For such ^{an} order, a reason was given: this was to prevent pillage^{ing} and robbery which could be committed by chete-gangs on the high way.

Under the Muhabeji (Finance official) Vehbi Bey a Commission was formed in Yozgat, in order to save valuables from the cupi~~d~~ity of chete-gangs, and to register money and valuable collected from Armenians.2)

Party but also of the Ministry of the Interior. The deportation of the first caravan ~~was~~ took place only July 26, 1915, and consequently Jemal Bey, Mutesarif of Yozgat was well aware that the Armenian deportees had to be killed on the high way, if not in Yozgat district, at least out of Yozgat district jurisdiction.

2. Turkish Court Martial concluded that to collect the money of the Armenians' deportees meant that they were going to be killed or died, and this was the reason why their money was collected.

At that time the deportation of the Armenians of Choroum had began. We were busy ~~with~~. But on August 5, 1915 I received a telegram: I was dismissed from my office, and replaced by Kemal, who was designated acting Mutesarif. As you know, to dismiss an official ~~it~~ ^{and} is required a disturbance in the public security. Nothing had happened in Yozgat during my administration. I remained there about one month awaiting a decision made in the Council of Ministers. I was told that it was an administrative measure.

In Yozgat I used to go to Mosque once a week. Some times I have been in the municipality. At that time the deportation took quite another aspect, but I was not in contact with the people to get details. 1

President:- When you were governor of Yozgat, ^{did} have you not asked Kemal questions concerning massacres of Boghazlian?

Jemal- In Boghazlian, deportation was carried out by military authorities. I asked Kemal questions. He answered and denied what I had heard ~~about~~.

^{Commander} The Commandant de Place of Boghazlian sent a telegram to Salim Bey and said: "Why Armenians are/deported here and there? Let us make arrangements between us about their fate". We heard many things, but I did not eye-witnessed them.

-
1. Jemal was in contact with Edib Bey and others, who had informations and details.

President- Nejati Bey has come to Yozgat. What do you know about ~~that~~ ^{that}?

Jemal- The affair of Neajti Bey is a very interest^eing episode (tohaf).

Nejati is ^a short, pale, thin man. He came to see me. He showed an order written by the Vali but he did not give it to me. Vali Atif has written that Nejati should be there, I ordered him to make arrangements to collaborate with him. Nejati said: "I was political representative in Azerbaijan; there Armenians massacred and annihilated Moslems. We have to massacre and annihilate Armenians here."

I answered Nejati: "Yozgat is not Azerbaijan; there chete-gangs had their activity, here we have no chete-gangs, why we must do the same thing here, especially I said, it happened in Azerbaijan, because you were there ^{at} a political representative. How ~~it~~ ^{can} be that you were a responsible official in Azerbaijan? Especially, I don^{not}~~it~~ recognize you, because you are not a responsible official. You did not even give me ~~the~~ written order; it means that Vali Atif has no confidence in me; I cannot, consequently, accept your proposal".

Nejati repeated his proposal once more and told me that the Central Committee of Union and Progress Party ~~urged the policy~~ has given order to carry out the policy of massacre. I answered: "If the Central

Committee wanted so, it ^{would} ~~may~~ communicate to the Government and the Government in turn would send order to us. If it is in conformity (with the law), we can accept and carry out such an order".

Then Nejati Bey went to Choroum. ^A Few days after I received order 66 concerning my demission.

Prosecutor- As the Armenian deportees were escorted by gendarmes and soldiers during their deportation. ~~Was~~ was there any necessity to collect the money and the valuables from the Armenians prior to their deportation?

Jemal- First of all, this was an order given by the Government, then, one may help with the collected money the relatives who remained in the town, and ^{even} the money could be sent to their owners. The purpose of the Government order was to forbid Armenian deportees ^{from paying} ~~to pay~~ bribes and ^{ing} ~~to escape~~. In fact we helped their relatives in Yozgat.

Prosecutor- Has Jemal Bey recognized the signature of Vali Atif Bey on the letter showed to him by Nejati Bey?

Jemal- I had ^{no} ~~not~~ correspondence with Atif Bey to see and identify his signature. 1

1. Jemal had telegraphic discussion with Atif Bey, concerning the deportation of the Armenians of Yozgat.

Prosecutor- Has Nejati Bey gone to Boghazlian before coming to Yozgat?

Jemal- I don't know because the Responsible Secretary of Union and Progress Party at Kayseri used to go often to Boghazlian.

Prosecutor- The deportation of the Armenians of Boghazlian was over when Jemal Bey was governor of Yozgat, he must have information concerning the massacre, has he made an investigation?

Jemal- Tevfik Bey always was going to Boghazlian and other places; he reported to me that he pursued deserters and chete-gangs, I could not absent ^umyself from Yozgat for a minute. I made an inquiry; Kemal used always to ~~not~~ deny and say that deserters, chete-gangs troubled the public security. Moreover, Shahabeddin Bey sent me severe order from Kayseri not to interfere in military affairs.

Prosecutor- Deputy Shakir Bey told that Jemal Bey was very impressed and has expressed his sorrow concerning the heart-rending deportation and massacres. This is an evidence that Jemal Bey was informed about what had happened.

Jemal- Yes, I expressed my sorrow that we were cutting our own arms. Because to annihilate our own citizens, we were destroying our own life.

Prosecutor- Has Tevfik Bey seen a cannon?

Jemal- Could chete-gangs circulate with them a

cannon? What may be the use of a cannon on the mountains? Is the cannon is a portable thing in pocket? There is no foundation for such a matter.

After my dismissal, I was in contact with Shakir Bey, I told him that we were learning about many crimes committed, that these people were paying taxes, no one will forgive us such a crime. I am glad that I have been dismissed from my office. I did not see any thing. I heard.

Mustaf Pasha- During an uprising, Tevfik Bey asserted that he has seized a cannon. What do you know about ~~that~~?

^m Jemal- I want tell no more. Here is the report of Tevfik Bey, He ~~got~~ out an official document from his pocket and handed it over the Court.

Mustafa Pasha- ^{Oh} ~~Have~~ you called back Tevfik Bey when he escorted the second caravan of Armenian deportees?

Jemal- Yes, I did, because I heard that Tevfik Bey has organized chete-gangs in order to massacre the Armenian deportees on route. I don't know these chetes. I saw once two giant Circassians in the municipal office.

Mustafa Pasha- Tevfik Bey ^{said} ~~told~~ that there ^{was} ~~hap-~~
~~pened~~ no trouble.

Jemal- Yes, he even said that the gendarmes accompanied ^{them} to prevent attacks. He has already cooperated

with a man named Kiazim [Chief chete-gang: çetebaşı K].

By order of the President the report of Tevfik Bey was read in the court-room in the presence of defenses.

Tevfik stated ~~that~~ in his report that Armenians in that area attempted to ^{rise up} ~~uprise~~, and for this matter he suggested to Jemal Bey ^{the} ~~to~~ ^{action of} deport Armenians from there and replace them by Moslem refugees.

The President asked Tevfik Bey whether or not the report was his own.

Tevfik- I wrote this report. The Kaymakam of Maden has reported to me that the Armenians of Chat came down from the mountain to massacre Moslems, and suggested to do what was necessary.

Mustafa Pasha- What did you do, Jemal Bey?

Jemal- I made an investigation. I found that Armenians deported from Sivas and deserters had refuge on the mountain. Especially, the story of the cannon interested me.

Judge H. Mostichian- Criminals detained in the prison of Ankara have been released and armed with weapons and ~~swords~~ ^f swords, ~~formed~~ chete-gangs and sent them to Choroum. Have these chete-gangs operated in Boghazlian area?

Jemal- There were few Armenians in Choroum. Previously Yakub Jemil Bey has formed a chete-gang. Perhaps the chete-gang was confused with those who were

released from prison.

Prosecutor- There is an opinion that sentenced criminals were partly released from prisons and ~~they~~ organized in chete-gangs in order to annihilate the deported Armenians. Jemal Bey in his capacity of governor can explain better the reality of this question.

Jemal- When I was governor of ^{Tokat,} ~~Yozgat~~, we released from prison a number of detainees, who were trained and despatched to Erzerum. I ~~think~~ think they have been on the front. I was not in agreement with this arrangement, but I was obliged to carry out an order; ^{they} finally they ~~have been~~ used on the battle-front. In other places it was so. Also we partly released detainees from the prison of Yozgat. Yakub Jemil Bey went to Erzerum taking with him detainees released from the prisons of Constantinople, Ankara, etc..

Leon Renzi- There were special instructions not to deport families of Armenian soldiers. Has Jemal Bey deported such families? Despite these instructions had Kemal Bey exiled Armenian soldiers' families?

Jemal- When I was governor of Yozgat, no one family~~family~~ of Armenian soldier^{do not} was exiled. I ~~don't~~ know what Kemal did?

Leon Renzi- Tefvik Bey asserted that he ^d has twice accompanied the Armenian caravans when Jemal Bey was Mutesarif . As Jemal Bey remained in Yozgat

he can inform whether Tefvik Bey accompanied other Armenian caravans.

Jemal- As I said, I ^oget out from home very few times, I ~~don't~~^{not} know.

Leon Remzi- Did Jemal Bey see any sign of revolt among the Armenians of Yozgat?

Jemal- Never, at all.

Leon Remzi- How many days ^{did} Nejati Bey stay in Yozgat? Who was his host and with whom ~~he~~ was ^{he} in contact?

Jemal- He remained ^afew days at the house of the Director of Municipality, then he went to Chorum.

Leon Remzi- Bloody clothes of the Armenian deportees were sold in the market of Yozgat. Did Jemal Bey see this or has he heard anything about ~~it~~^{it}?

Jemal- I did not see.

Leon Remzi- Tefvik Bey was previously a Yüzbaşı (Captain). Then he became a Major (Binbaşı). Does Jemal Bey know anything about this promotion?

Jemal- ~~He answered the question~~ I have no information.

Jemal Bey answered the questions of Saadeddin Bey, Kemal Bey's Defense-Attorney. He stated: " When I was governor of Yozgat, my colleagues and I, we never shed blood. Armenians in Yozgat showed no

sign of rebellion.

Nejati Bey was at the home of Ahmed Bey, Mayor of Yozgat. I did not deport, Armenian Catholics, Protestants, and Armenian soldier-families. I did not see that bloody clothes of the Armenian deportees were sold in the market of Yozgat.

The Ministry of Internal Affairs sent instructions to form a Commission to collect the money and the valuables from the Armenian before their deportation, as well as articles they took with them.

The deportation^{out/} was carried/ previously by military authorities. Next day of my dismissal (August 6, 1915) deportation affairs were entrusted to the civil authorities.

We received information that the Primate of Yozgat arrived alive ^{at} ~~to~~ Sivas.

I don't know whether or not money was taken ~~off~~ from those who were in the group deported to Sivas. I don't ^{not} remember that Feyaz was in the Commission, because my office in Yozgat ^{lasted only a} ~~was~~ few months (from May 5, 1915 to August 5, 1915).

When Nejati came to Yozgat, Tevfik used to salute him, stooping himself down to the soil. I think he stayed some time with Tevfik.

Tevfik- I have not been with Nejati. I saw him when he was with Jemal Bey. I ^{had} ~~got~~ no contact with him.

The Defense-Attorney- The information given about the cannon of Armenians has not been clarified.

Jemal- These are redundant questions. When such questions are asked, doubt will be developed on other answers. too. Those who circulate from one mountain to another cannot have a cannon with them. Where from ^{ammunition} they can supply bullets? Only government has ⁿ cannons.

The telegram of Atif, Vali of Ankara, was read. It was addressed to Jemal Bey, Mutesarif of Yozgat. The order contained in ^{it} was to deport doctors, yā lawyers, intellectuals, clergy, members of political parties and suspect persons, to Der Zor, and protect their possessions. 1.

(put here the telegram of Atif).

1. "Jamanag", March 6, 1919, p.2. col.5, p.4, col.

1,2,3,4,5.

"Nor Ghiank", first year, No,131, March 6, 1919.

"Jagadamard", March 6, 1919.

March 6, 1919.

"La Renaissance", No.70, ~~Friday, February 22/1919~~ 1919.
Thursday,

Session XI continued

Nedin Bey of Plevna, Civil Inspector, who had carried out an inquiry, testified before the Court-Martial:

"May 1916, I received order^s to make an investigation concerning the abuses committed in Y Boghazlian, eight months after the deportation, I went there. What I will say is the result of my hearings and inquiry. I held my investigation and I brought to justice those who had committed abuses concerning the "Abandoned Goods".

Last year according to informations given by Mehmed Ali Bey, actual governor of Scutari, those who had committed abuses were tried and punished by the Penal Court of Yozgat. I got more information. ~~on~~ ⁱⁿ 1915, about 120 Armenians, deserters, etc. ~~have been~~ ^{were} imprisoned in a mill-house. At night the latter have attempted to break the door to escape, Gendarmes ~~have~~ ^{some of them} ~~then partly killed~~ Those who succeeded to escape found refuge in Kum-Kuyu, who had there ^{an encounter} ~~a shock~~ with the gendarmes of Tevfik Bey, then they crossed over the Chat mountains, where they were while I was investigating in Boghazlian. Finally the Armenian families deported, were massacred by Circassian chete-gangs.

Kemal Bey has not forbidden the pillage of the "Abandoned Goods" in Boghazlian, and he has ^d appropriated

ted partly the possessions of the Armenians without paying a penny Prior to his transfer to Yozgat he got sums from many Armenians as loans, and then he did not return these amounts.

I brought him to justice ^{on} in charge of these three implications. Besides, Kemal Bey, the judge of Boghazlian, gendarmerie officer and their accomplices, who participated in abuses, were brought to the Court.

I saw Tevfik Bey and Y Feyaz Bey in Yozgat. But I had jurisdiction only in Boghazlian. I did not hold any inquiry in Yozgat.

Prosecutor- Nedim Bey has stated: "I had no jurisdiction to investigate massare". I understand that he has asked whether or not he had jurisdiction to investigate about the orignators of massacre.

As much as I remember, Nedim Bey has stated during his examination that he was convinced that responsible of massacre in Boghazlian district was Kaymakam Kemal Bey. Let his written answer be read.

By order of the President the answer of Nedim Bey was read.

(put here Nedim Bey's text).

In this answer was brought in evidence the revelation of the Prosecutor.

Nedim- I will add another story. Gendarmerie Commander Ihsan Bey has committed ~~an~~ adultery. He

raped the daughter of Kevork Arabian, whose Moslem name was Shakir, and he has been brought to Court Martial with this charge.

Kemal Bey has heard about the atrocities committed by chete-gangs, but has not prohibited them ^{from} to continue ^{ing} ~~in~~ their crimes, while he had a great influence in Boghazlian. He has not forbidden ~~to the~~ ^{Commission of} ~~commit~~ ⁱ atrocities, and he punished a few persons.

Mustafa Pasha- Were you interested ⁱⁿ ~~with~~ the crime committed against this girl?

Nedim- Because Ihsan Bey, after having raped the girl, had taken off the gold ~~pieces~~ jewels from her neck and the ring from her finger. For this reason I made an inquiry.

President- Kemal Bey, has Tevfik Bey been in Yozgat during ^{his} ~~the~~ deportation?

Kemal- When I went to Yozgat, he was there.

President- Do you know that 120 Armenians have been killed in the vicinity of Boghazlian?

Kemal- Yes, I know. ~~But~~ ^{not} I don't know how many were killed in Jevizli-Han and who killed them.

President- How many times ^{has} ~~the~~ Mirfan Bey, President of the "Teshkilatı Mahsusa" (Special Organization) at Ankara ~~has~~ come to Yozgat?

Kemal- I don't ^{not} ~~not~~ recognize such a person.

President- Have you met Kiazim Bey and Tevfik Bey on Chat mountain?

Kemal- Yes, I went there with Kiazim Bey, because of the troubles taking place in Chat, which happened prior to ^{the} deportation.

Many official documents were read. These documents reported to ^{the} Gendarmerie Commander the destruction of many Armenians. But Kemal and Tevfik denied.

Feyaz claimed to bring from Yozgat the registers of Pious Foundation (Evkaf Department) and Commission of "Abandoned Goods" to establish by inquiry whether or not he has registered day by day, and bring evidence of honesty, etc.

Leon Remzi proposed to hear eight more witnesses, especially Miralay Mehmed Ali, who has eye-witnessed the massacres perpetrated by order of Kemal. 1

1. "Nor Ghiank", No 131, March 6, 1919, p.3,
col. 3,4.

"La Renaissance", No.

"Jamanag",

"Jagadamard",

Turkish Extraordinary Court Martial
to try deportation and massacre.

Session XII, March 6, 1919.

At the beginning of the Session, Kemal was not in the court-room. He has not come under pretense that he was sick. By order of the President he was immediately brought to the court and the session started 1:45 p.m.

~~The~~ President announced to Leon Remzi that the Court ^{would} ~~will~~ hear only those witnesses who are in Constantinople. Leon Remzi had already the addresses of witnesses in Constantinople registered.

In this session the examination began according to a program previously prepared.

~~The~~ President- to Kemal- When you ~~were~~ moved from Boghazlian to Yozgat, where did you go, where did you stay and where you were when you returned ~~back~~?

Kemal- End September 1915, I went from Boghazlian to Ankara, where I remained about six months.

President- Was Refik Bey in Yozgat when you went there as Acting Mutesarif?

Kemal- Yes.

President- What do you know about the killing of one hundred-thirty Armenians of Yozgat at Jevizli-Han?

Kemal- Jevizli-Khan is in the district of Kayseri, consequently, out of my jurisdiction. I heard only rumors, because it was out of my jurisdiction and therefore I could not receive official information.

President- ^{Did} have you received a telegram No. 506 from the Vali of Ankara, dated August 16, 1915, giving you order to spare the life, possessions and the honor of the Armenian deportees? The same order has been repeated August 18, 1915. It means that some thing has happened to give such opportunity to repeat the same order?

Kemal- It may be that I have received ^{it} if such a telegram was despatched.

(put here the text of the telegram No. 506).

President- You and Tevfik, ^{went} ~~have gone~~ to Chat in order to repress there Armenian chetes and Tevfik delivered ^{to} you there twenty-six Armenians who were arrested. What did you do?

Kemal- If they were ^{of} ~~in~~ military age, I would have sent ^t them to the Commandant de Place.

President- Do you know Kemal Bey, Gendarmerie Commander of Kayseri and Khayri Bey?

Kemal and Tevfik- We don't ^{not} ~~know~~

President- How many years ^{was} ~~was~~ Ihsan Bey Gendarmerie Chavush ~~was~~ in service at Boghazlian?

Kemal and Tevfik- He came to Boghazlian as Takim Kumandani (squad commander). We ~~don't~~^{not} know his past.

Three reports despatched by the Governor of Kayseri were read. The first of these reports stated that twenty-five of thirty-four Armenians tied to each other were annihilated at night and buried by the gendarmes of Ihsan Bey, at Yazı-Chipni.

Kemal simply denied. Because the village of Yazı-Chipni is out of his jurisdiction.

Tevfik- I have no information because I did not receive any official ~~document~~ document concerning this matter.

President- These testimonies are coming from a governor who is not your enemy, who does not know you. This establishes that the crimes/^{were/}committed by the gendarmes under your jurisdiction.

Here is the testimony of Hulusi Bey who establishes that you ordered ^{The} ~~to~~ ^{ing of} kill Armenians and next day to bury them in the area of Yazı-Chipni.

Kemal could not answer, and began to think seriously. Tevfik insisted that Hulusi Bey, Takim Kumandani of Boghazlian, ^{had} ~~has~~ never reported ^{to} him such a fact.

President- When did the pursue^{IT} investigation and deportation ⁱⁿ ~~begin~~ and ~~ended~~?

Tevfik- At the beginning of ^{the} ~~war~~ ^a, signal was given from Sivas. I began to pursue chetes on the —

not
I don't remember the exact date of deportation. I was in Yozgat when the first and second groups were deported. I don't know when exactly.

President- When ~~have you~~ ^{did you have} an interview with the chief of the Teshkilati Mahsusa, (İrfan Bey) at Ankara?

not
Tevfik- I don't know this man.

The President ordered ~~to read~~ the report of Hulusi Eymen Bey *to be read.*

(Put here Hulusi Bey's report).

Kemal - It may be that I have received if such a telegram was despatched.

Tevfik- We did not receive this report.

President- How it can be that your inferior subaltern officer may not communicate ~~you~~ his report *to you.* Well, it is true that you asked for soldiers from Choroum ~~to use them from during~~ ^{for use in} deportation?

Tevfik- I had no force enough to escort a caravan of thousand Armenians. Consequently I asked for gendarmes from Choroum. 1

President- Why ^{was} your gendarmerie battalion ~~was~~ not enough to escort a caravan composed of women

1. Choroum was a center where the criminals released from Turkish prisons were trained specifically to kill, ~~and then~~ they were armed and disguised in gendarme uniforms.

and children like lambs (kuzu)?

It is established that you used as chete-gangs the Circassians of Poyraz village. In your own reports you stated that you used them in groups of 25, sometimes 50, another time 100, and even 11. This proves that you had them enough at your disposal to use them in groups as you wished. These "chetes" went out from town and came back very often. Why did you use them?

Tevfik- I never used "chetes".

President- In another telegram of yours, No 31, with mention urgent, you reported to the Ankara Authority that you used about one hundred "Neferi am" (mobs) and even you asked for a cannon. What was the need to use simple people as soldiers?

Tevfik- I did not use them. It seems that they have gone there to Kum-Kuyu before I go there. I don't know when ~~and~~ and where.

President- You show them as a force you yourself organized.

Tevfik- I was wrong.

President- In your report you stated also that in Eyrenje and Kum-Kuyu twenty Armenian women were hanged ^{or} ~~and~~ committed suicide, that those who remained were distributed ~~into~~ into neighbouring villages, that more than one hundred girls and boys were destroyed,

did
 Why these miserable human beings committed suicide? They hanged themselves, they poisoned themselves, who knows how much they were terrified by ~~your~~ *the* monstrous atrocities you committed, that they preferred suicide.

Killing
 Tevfik- if I had enjoyed ~~to kill~~ *that I myself had killed* them, why ~~I did~~ *did I* reported to the Government, ~~I had killed them there.~~
~~myself~~ *have* these women. Why ~~I had~~ *did I* to call the Government if it was a crime that I committed?

President- In another report, that you never mentioned, you communicated that when you went to Kum-Kuyu, twelve Armenian women were hanged there.

Tevfik- Suicide.

President- What can you say about 150 Armenian women, whom you found poisoned to death?

Tevfik had no answer.

Prosecutor- During the course of this trial, many times allusion was made to "Teshkilati Mahsusa" Special Organization. In his capacity as Gendarmerie Commander Tevfik must know very well what it means. Let him explain?

Tevfik-I have no information. Perhaps allusion is made to the organization formed by Yakub Jemil Bey, Special Delegate of Union and Progress Party, who since Constantinople from every prison released Moslem detainees and armed them with weapons. The

latter crossed Anatolia and went in direction of the front.

President- For what purpose?

Tevfik- It is said that they had to go to Caucasus front.

President- to Kemal- Have you received a telegram from the Center which instructed you to collect the corpses of the Armenians left in the streets and to bury them?

Kemal- This order was general. It was sent not only to Boghazlian.

President.- Naturally it was general. It is true, every order was coming from the Center. The massacre also was general. Do you know Nejati Bey, Responsible Secretary of Union and Progress Party at Ankara?

Kemal. - Not at all.

The President ordered ~~to read~~ ^{To be read,} an official document, which established that Kemal has made ~~a~~ recourse to Nejati Bey asking him for promotion.

An incident impelled both the President and the Prosecutor of the Court Martial in a vivid discussion.

The Prosecutor asked the President where he ^{whence he} ~~has~~ brought ~~from~~ this official document without ^{the} previous acknowledge of the Attorney-General of the Court?

The President answered that when the Inquiry Commission does not accomplish its duty, he himself feels in the obligation to have recourse to whom it may concern in order to collect necessary information.

Prosecutor- During the office of Kemal Bey has Enver Pasha ^{ever} crossed Yozgat or Boghazlian?

Kemal- He did not cross over Boghazlian. He was in Yozgat.

President- In your telegram, you asked Nejati Bey to be established in your position of Mutesarif of Yozgat. This means that Nejati Bey has granted you a privilege of Acting Mutesarif of Yozgat.

Kemal- No, I had no such correspondence. If I had, the letter would be here.

President- Sure, the letter would be there, but if you directly spoke to Nejati Bey, it ^{indicates} ~~means~~ telegraphic communication, as the Director of the Post and Telegraph Office established.

Judge Mustafa Pasha- Tevfik Bey, what did you do with the conductor of the cannon you arrested, as you stated?

Tevfik- Your Honor, this is a very complexe question; if we search, we would meet beneath it Mourad Pasha and General Hampartzoun, who ^{had} not only ~~with one~~ ^a cannon, but led battle with machine guns.

President- The revolutionary Committees might

have such preparations, but the Armenian women hanged and poisoned by the hundreds, did they also fight with machine-guns?

President- In whose ^{se} house ^{did re-open} you ~~reopened~~ the Club in Yozgat?

Kemal- Very often I used to go to Club. But I ~~don't~~ ^{not} know whose building it was.

President- Was not it the building of Atamian who was killed...?

To Tevfik and Feyaz directly- You appropriated the "Abandoned Goods" by pretending to ~~make~~ auction sales. We got the list of these "Abandoned Goods". You do not deny ^{it} indeed.

Feyaz- I was not a member of ^{no} Union and Progress Party's Center in Yozgat to have participated in such an affair.

By order of the President, the Recording Secretary read the list. 1) They have pillaged rugs, carpets, watches, ten, twenty...for hundred piasters.

President- Where ^{did} these goods come from, Tevfik Bey?

Tevfik- How I could know it? There is a difference between the Government and the Club.

President- He does not know. Poor man, he is

1. See Appendix No.... The official list.

not aware...Tevfik Efendi, Nejati Bey, Responsible Secretary of Union and Progress Party at Ankara has ordered in a letter to evacuate the house of Atamian to buy the building and to establish there the Club of Union and Progress Party in Yozgat.

What do you know about *it?*

Tevfik- I know only this, that the Club of *the* Union and Progress was evacuated and was transferred near my office in the building of the Municipality.

President- Were you not in relationship with Union and Progress Party?

Tevfik- No.

President- But, why *did* the representative stooped ~~himself~~ before you? *This* means that you have influence in the Club of Union and Progress Party.

Besides, why did you release sixty-five criminals from the prison of Yozgat?

Tevfik- I already explained, I released them according to a special order. 1)

Judge Mustafa Pasha- Tevfik Bey, you called judiciary officials to investigate the case of the Armenian women who ~~have hanged~~ committed suicide. When you paid this such a consideration, there was

1. ~~See~~ the list of criminals released from the prison of Yozgat by order of The Ministry of Internal Affairs, in Appendix, No....

another question much more important. You ~~have~~ seized a cannon in a village. ^{just} Why did you not ~~pay~~ so great ~~an~~ importance ^{to this?}

Tevfik- What ~~a~~ cannon? The cannon was not in Kum-Kuyu, but in Terzili. Jemal Bey said that a cannon cannot be transferred from one mountain of Chat to another one. But in the mountains of Chat there were Mourad Pasha and General Hampartzoum who were marauding ^{in the} mountains with their machine-guns.

President- What did you do when girls and women ~~who~~ poisoned themselves?

Tevfik- I swear over all holinesses, that people used as a cannon by ~~filling with sand~~ the rear part of pump tubes, ^I and ^{filled it with sand.} 1

^{the} In next session will be heard those witnesses who are in Constantinople.

1. "Nor Ghiank", No. 136, March 7, 1919.

"Jamanag", March 7, 1919. p.2, col 3,4,5, 6.

"Jagadamard", March 7, 1919.

"La Renaissance" No.

Session XII

On Monday, March 31, 1919 at 11:00 a.m. the Yozgat trial continued. The President of the Court asked questions of ~~to~~ Tevfik, who was alone in the court-room.

-How much was the number of gendarmes in Yozgat prior to the war?

Tevfik- At the begining of the war I went to Yozgat. The number of the gendarmes was reduced to 190.

President- Did you ~~never~~ raise their number?

Tevfik- Governor Jemal Bey has registered militiamen. I saw them when they received their salary at the municipality.

Kemal and Feyaz, two other defendants were brought to court-room. The President asked Kemal:

-How many gendarmes were in Yozgat, when you were there?

Kemal- I ~~don't~~^{not} know, the gendarmerie commander knows it better than me.

President- ~~Don't~~^{not} introduce to me the gendarmerie commander. I am asking the question to you.

The Attorney General- Were there militiamen in Yozgat when Hermal Bey was governor?

Kemal- I don't know.

President- You ~~don't~~^{not} know, this too?

Kemal-....

Witness Bahri Bey was introduced into the court-room. He is of Antalia. He answered the questions.

Bahri- I ~~don't~~^{not} know any thing about Tefvik. I think only that he opposed the deportation of the Armenians. I will answer you if you want to ask me other questions.

President- You have been invited as a witness in defense of Tefvik Bey. You ~~have to~~^{must} say what ~~do~~ you know about ^{it} For instance, many crimes ~~have been~~^{were} committed when Armenian deportees were en route. What ~~do~~^{did} you see? What ~~do~~^{did} you hear?

Bahri- I did not see any thing with my eyes. I heard that Armenian deportees were massacred and plundered on route.

President- What do you know about Feyaz Bey?

Bahri- There a question concerning a ring. I think he purchased the ring of the Primate for 2600 piasters in auction sale. But he did not participate in the affair of deportation because he is not a man to do such things. He is not uygunsuz (a dishonest man).

President- Well, whom do you know among those who were uygunsuz?

Bahri- So many in the town.

An attorney asked whether or not Feyaz was a member of the Union and Progress Party.

Bahri- Feyaz was a member of the Union and Progress Party. But he resigned in 1912.

Bahri was trembling when he answered the questions. He was scared that the crimes he had committed in Akdagh-Maden could be revealed and he would be arrested as Vehbi

bey has been.

Besides Bahri, no one of the witnesses in the list of defense attorneys dared to come to the Court.

The President then announced that the investigations were over. Defense attorneys tried to postpone the trial through long speeches.

Just at the moment a terrible gun-shot ^{rang out.} ~~breaked in~~ ^{during} ~~of~~ the speeches of the defense-attorneys. Very soon news ~~was~~ spread that the gun of a gendarme ~~was~~ fired by itself.

The anxiety of the audience in the court-room as well as of the panel was dispelled. The jury then retired for deliberations.

Within 15 minutes the court announced the decision to join the case of Feyaz to the trial of those who were accused with the crimes committed in Yozgat and Boghazlian districts.

Attorney General took into consideration that the investigations were over, he claimed to deliver death sentences to Kemal and Tefvik in accordance with the provisions of the Article 56 of the Penal Code. This Article prescribed death sentence to those who incite citizens against each other, arm them, massacre, and plunder each other and provoke destructions whether or not they are successful in their planning.

Defense Attorneys were now aware of the tragic issue of the trial concerning their clients. They asked the

jury to give them a delay of two days to prepare their defenses. The Court sustained their request. The trial was postponed to Wednesday, April 2, 1919, at 10:00 a.m. 1

1. Nor Ghiank No .157, Tuesday, April 1, 1919.

Session XIII

Eugenie Varvarian's testimony:

She said that ^{the} French ^{would} ~~will~~ move ^{out} away in 8 days, and that Armenians ^{would} ~~will~~ be massacred. ^{It was} ~~she was~~ proposed ^{that she} ~~to~~ accept ^{the} Moslem faith and marry a Moslem man.

Prosecutor- Who told her this?

Eugenie- A gendarme, I don't ^{not} recall his name, but his number was 2021.

Feyaz denied ^{it}, and Eugenie persisted ⁱⁿ to assert ^{ing} that Feyaz used to go to visit her at home. She served him. When she survived and returned, she asked Feyaz to give her some piasters. He expelled her. A man of 80 years of age begged Feyaz, but he repelled him. A woman got pregnant by Feyaz, then she was poisoned to death by Feyaz, who said that she died from Spanish fever. But this women was swollen before per death.

Feyaz- denied ^{it} and asserted that he ^{did} ~~does~~ not recognize Eugenie.

President- What was Feyaz doing there?

Eugenie- He was one the chiefs of chote-gangs.

President- What means ~~chatebasit~~ cetebasi?

Eugenie- He made troubles. I did not yet say what I know about him. Before I entered in this court-room, I was told that the trial would be very short. I experienced here that it is rather longer.

When coming here, out of this room, ~~I was~~
~~stolen~~ my bag and my shawl, *were stolen.*

President- Were the hands of the deportees tied?

Tevfik- By order of Jemal Bey we tied the hands of those Armenians of the first group.

Posecutor- I refuse this expression, when it is addressed to a honest official like Jemal.

President- Did you not ask who tied the hands ?

Tevfik- I found the hands ~~the~~ already tied and I gave order to unty when we got out of the town.

The statement written by Mrs. Atamian from the judiciary body of Kayseri was read. She described in detail the massacre of Yozgat. Kemal was present, he gave order with his trumpet to massacre and he had women and ~~i~~ girls raped. The clothes of the massacred Armenians collected in a Mausole were than brought and sold in the market of Yozgat. etc. 1

1. "Jamanag" March 25, 1919, p.3, col 5.

Session XIV March 26, 1919 at 10:30 a.m.

On the
President- Last day you stated that you received deportation order, in ciphers. The Gendarmerie Commander says that he carried out deportation of those Armenians who were previously registered. Who has prepared these registers?

Kemal- At ^{the} Gendarmerie Station, Hulusi Bey prepared the registers. He used to gather Armenians and to hand over the list of deportees.

President- If he deported less than ~~it~~ was registered, had you any register to identify?

Kemal- I did not give him the register. I communicated to the ^{gh} King Authorities that a number of Armenians have been deported ~~ii~~ to Der Zor.

President- As you gave orders and instructions to the the Mudirs of the counties, why did you not carry out the same order ^{since} ~~as~~ you were the Kaymakam?

Kemal- I gave instructions to the mudirs of counties, who in turn gave orders and instructions to respective gendarmerie officers.

President- ~~They got registers prepared~~ But in ~~Kemal~~ counties the people could not read and write, how they could then prepare registers?

Kemal- They got registers already prepared.

President- Well, was there an order given to bring the deportees to their place of destination.

not
Was ~~it~~ so? What did you do?

Kemal- I did not take any measures, because nothing happened.

President- You did not know whether or not anything happened. This means that you did not accomplish your duty.

Kemal- Did not answer.

President- Then you used Bakirji Mahmud and others in the affair of deportation. There are witnesses, who testified that they committed abuses.

Kemal- I don't *not* know.

President- Who tied the hands and arms of the deportees?

Kemal- I don't *not* know. This happened when Jemal Bey was Mutesarif.

Prosecutor- I would remark that Jemal Bey had received official documents asserting that deportees arrived to destination, while Kemal has not received any reports proving that the deportees arrived to destination, alive.

4 Then the Prosecutor holding an envelope in his hand, said: "Kemal in his capacity of governor of Yozgat, wrote a letter. Here is the envelope. As you see, this envelope bears three red seals and contains the following mention:

"This letter must be delivered as soon as

you arrive to the village of Battal, to Bakirjizade Mahmoud, Abdullah and Mehmed Efendis. The envelope must be opened after having registered the minutes of date, hour and desealing of the letter.

The sealed envelope contained two letters: one addressed to Shukri Chavush, gendarmerie commander. He was given an order to obey the three persons. The second letter was signed by Vehbi Bey, Chief Accountant, who gave order that the deported Armenian women and girls under ~~control~~ surveillance, be stripped of all their possessions with them and transport these effects to the town of Yozgat".

The Prosecutor concluded: The effects and possessions of these Armenian women and girls were already left in the town, where they were deported from,, and consequently when it is said that their effects must be transported to Yozgat, it simply means ~~that~~ to kill ~~then~~ these women and girls, to collect their effects and bring them to the town. No other comment may be made."

President-The seal and handwriting on the envelope are yours?

Kenal- It is not my handwriting. I did not give such instructions. I unstructed to protect Armenians, this is the content of one of my letters. I ^{not} ~~don't~~ know who wrote the other letter.

President- In your capacity of governor of

Yozgat, you assigned functions to three persons and you recommended to the gendarme to conform his activity with their instructions.

Kemal- Time has past. I don't^{not} remember. It seems that there was a necessity to do what I did. I think that these three persons ^{were} ~~are~~ members of the Commission of "Abandoned Goods", and they were designated to such job.

President- Do you know who they are?

Kemal- I don't^{not} know.

President- As you don't^{not} know, how then^{did} you assigned them functions?

Kemal- They were perhaps recommended to me.

President- in your first examination (December 1918 K) you stated that the documents concerning the deportations were partly burned ~~down~~ by you, this is established ^{by} ~~with~~ your signature. Which papers^{did} you burned ~~down~~?

Kemal- When I wrote my first examination, I just came from travel, tired and confused. I wrote it in a hurry, because they did not give me any rest. My first examination is not correct.

Prosecutor- I was in the Inquiry Commission, and Kemal spented three or four hours to write the answers, consequently what he ~~said~~ stated now, is not true.

President- The Mufti of Yozgat gave you some
 advices. You answered him, if ~~he~~^{he} was more merci-
 ful than the government. For what reason ^{did} you ~~made~~^{make}
~~answer him such an answer?~~^{thursly?}

Kemal- This is absurd. I gave no such answer.

President- What ^{were} the Armenian deportees ~~were~~
 allowed to take with them? Certainly they were de-
 ported to live. In ^{what} conditions ^{were they} ~~had~~ to live?

Kemal- There were no such instructions. Only
 their superfluous money was taken from them.

President- Very well, suppose that they were
 not killed, but they would have to die by starvation.
 Where ~~they could~~ go without money? What did you do?

Kemal- Officials appraised and they took the
 superfluous money. I thought nothing, and did no-
 thing.

Then Kemal left the courtroom and Tevfik came
 in. Some questions were asked to Tevfik, who answered:

"I received orders to deport Armenians and I
 deported them. A Commission was formed to collect
 the ^omoney of the ^tdepor~~tees~~^{ees} in order to save ^{it} from
 pillage, and then to send the money to the owners.

The deportation began when Jemal Bey was go-
 vernor of Yozgat. When Kemal Bey was acting Mutesa-
 rif, I was here and there, I could not be interested
 in ^{it}.

President- Kemal did not accept the respon-

sibility of deportation. He asserted that the gendarmerie was assigned the task to carry out deportation. Who then took care of the deportees? You said that there were among them poor people, to whom you gave food supply. In stead of being merciful, had you ~~would~~ not to accomplish your duty?

Tevfik- I accomplished my duty, the remainder belongs to the government.

President- In any way have you made reproaches to your assistant who helped you to carry out the deportation?

Tevfik- The Armenian Primate had asked money from Sivas. Fourty Turkish pounds were despatched. Besides, I did not receive any instruction to supply food to the deportees, but I suppose that the people in Anatolia helped them.

President- Did you receive any document from those whom you entrusted the deportees. Did they arrive to destination?

Tevfik- Yes, they reported, and in turn we reported to the High Authority. I never deported ^{ou} ~~with~~ ^r the permission of the government.

Tevfik left the courtroom and Feyaz came in.

President- What was your role in the affair of deportation and what was your role in Union and Progress Party?

Feyas- I have no participation, and I am not

a member of Union and Progress Party. I am not registered. I can establish this through witnesses.

President- You did take the ring of the Armenian Primate of Yozgat. Who took the possessions of the Armenian deportees?

Feyaz? I bought a ring from the Commission of Liquidation for 2,600 piasters, but I did not take it from the fingers of the Primate. I bought it when it was sold in auction after five or six months when the effects of the "Abandoned Goods" were sold. I was an official in the Commission of Liquidation. From time to time a register was held, some owners' names were registered. I was an official.

Kemal and Tevfik came in ^{the} courtroom.

President- Kemal, you stated that the gendarmerie was assigned the task to carry out the deportation, while the Gendarmerie Commander stated that he carried your orders. How do you explain this?

Kemal- I instructed the officials and they carried out the deportation.

President- Have you deported according to a register?

Kemal- I don't ^{not} have idea of the register, so much time has gone.

Tevfik- I did not have surveillance on the deportation carried out when Kemal was governor of Yozgat. I carried out the deportation when Kemal

Bey was governor. I went for supplies when Kemal was in Yozgat. 1

1. "Jamanag", March 25, 1919,
"La Renaissance", No.97, Tuesday, March 25, 1919.
"Jagadamard", March 25, 1919,
"Nor Ghiank", " "

On Thursday, March 28, 1919, at 2:30 p.m. the XVth session of the Court Martial was held.

The President read the first question.

"Rumors were spread in Yozgat that more than 3,000 Armenians were massacred in Boghazlian. Governor Jemal Bey asked you explanations, and you have despatched him a telegram, that such event has never happened".

Kemal- Yes, Your Honor, there was not such an event.

President- asked Kemal why he denied the massacres in Boghazlian when Jemal Bey asked him questions. Kemal answered, he denied because there were no such massacres.

President- Your colleagues and witnesses established that there happened very tragic crimes and you say that you have no information?

Kemal- I have no information and I never received official reports concerning these matters.

President- Armenians deported from Boghazlian were in majority annihilated because of your negligence to accomplish your duty. Was it because you received instructions from a Department, or did you this by personal revenge?

Kemal answered that he had not received any

instruction, that the Central Government has given instructions to him to transfer money when the deportees would be established in the places previously designated for them.

President- Your duty as a governor was to deport Armenians safely to the place of their exile, you have them massacred in a defined purpose, or with enmity, What is the truth?

Kemal- There was no special purpose. We have to deport Armenians for military reason. There was lack of transportation. They were deported partly with existing means, some others in carriages, and others walking, and Turkish refugees were settled in the same conditions.

President. This is a second crime. How it can be that the sons of our country are left on the mountains, in valleys, especially when you have taken the ~~the~~ money of the Armenians? Where they could find money and food supplies to live? You were the highest official there, what was your office? Consequently you have not accomplished your duty.

Kemal- No one made a protest or ^{com}plaint to act otherwise. The Central Government has given the order to deport the Armenians.

President- Then no massacre took place?

Kemal- I think so.

President- Your predecessor established the

fact of massacres, so many witnesses testified.
Have they any reason to lie?

Kemal- Jemal Bey was angry against me for a petition (mazbata).

By order of the President Kemal left the courtroom and Tevfik was brought in.

A report signed by Tevfik was read concerning the probable rebellion of desertors, and he proposed to deport the Armenians from Chat area and replace them by Moslem population.

President- Is this report ^{ou}yours? Did any one gave you jurisdiction to write this?

Tevfik- Armenian desert^ers were involved in banditry. I pur^sued them, because I had the responsibility. Then Mourad has found refuge % on the mountain of Chat, we pursued other chiefs of bands named Samuel, who used to sign as being the commander of Chat mountain and who today continues his activity. All these bandits were Armenians and came from Sivas. There were also Greek bandits. Then coming from Dört-Yol Keur Manoug declared that he has % killed gendarmes. He was brought to the Court Martial of Ankara and sentenced to death. The sentence was executed.

President- Jemal Bey, former governor of Yozgat, stated that what you now call bandits were Armenian dese^xrterers and deportees.

Tevfik- They were not deserters, but bandits.

President- You said that there was a cannon. What size it was? Did you see it?

Tevfik- It was not a cannon. Mourad had a machine-gun.

President- Jemal Bey instructed you not to do any harm. It will be prejudicious.

Tevfik- I don't ^{not} remember such an advice. I did not give any opportunity for plaint, to receive such an advice. He gave me order to go.

President- You have the duty to protect the life of the deportees, while many were murdered, many of them died by starvation.

Tevfik- I accomplished my duty. I gave instructions everywhere. I punished one who has robbed. I did my best.

Ali Nazim Pasha- To give instructions is not satisfactor. Did you any thing positive?

Tevfik- I did what was my duty.

Then Colonel Mehmed Bey, an Indian, British subject, exiled prisoner in Boghazlian , testified before the Court Martial.

"I lived in Boghazlian, said Col. Mehmed, I was there till 1916. Town-criers called in the streets. An order was given to all men to be registered. Moslems who have to be registered, were freed, while Armenians were imprisoned. Some days after I lear-

ned that Armenians who were detained were led to the mountain and massacred.

Another day gendarmes came to search Souren and Kara-Mihran, who were hidden in a house. They arrested and took them away. I was curious to follow the little procession. They were led into a valley and assassinated/. Turks who came from ~~vi~~ villages related that the corpses of the Armenians were spread everywhere and it was unendurable to travel as the putrid smell has tarnished and ^{polluted} saturated the air.

The ~~Przemi~~ President asked details concerning the murder of the above-mentioned Armenians and other victims.

Col. Mehmed- At that day 50-60 Armenians were killed. Next day Armenian women and children were also killed. The murderers beared military uniform. Their chief was Ihsan Chavoush.

Kemal- This man was exiled. He could not leave the town. How he did follow the convoy?

Col. Mehmed- I had my liberty in Boghazlian and I was free to go where I wished/ to.

The Indian Colonel was angry. "In order to prove their crimes, he said, let them come to the Embassy or let us go to Boghazlian and there even children will guide us to the places where bones of the Armenians are now."

The governor of Scutari, Mehmed Ali Ex Bey, testified before the Court Martial:

"I was not there during the massacres. I went there later on. I don't^{not} know whether or not Feyaz participated. I did not hear anything against his conduct and behaviour.

President- Did you not hear that Armenians deported from Yozgat were massacred?

Mehmed Ali- The order given by the Government concerned the deportation of the Armenians, but the deported Armenians were then massacred partly in Keller according to secret orders. One must search ~~agents~~ secret agents in this matter. I don't^{not} think that all officials are responsible because in this case all the Armenians have to be annihilated.

An other eyewitness of the massacres in Keller, Antranik testified: He was in a group of deportees. He saw three hundred Armenian men whose arms were tied to each other, they were brought to keller and massacred. En route, he has seen Kemal who gave orders and instructions, on the way to Elekjiler. He saw in Keller Armenians who were led beyond the mountain and killed there. Forty-five women and children, among whom was Antranik, were separated from the caravan, then led to Arpa-Keuy, detained in a stable. Next day Kemal took them and they were

distributed to Moslem houses in that area.

Kemal- All Armenians who came here to testify before the Court, told false stories. I have only one question to ask where did this witness see me?

Antranik- At Elekjiyler.

Kemal- He confesses that he did not see me in Keller. 1

1. "Jamanag", March 29, 1919, p. 1. col. 3,4.
p.4, col. 1,2,3.
"La Renaissance", No.100, ~~Friday~~ Tuesday,
March, 28, 1919.

Aznive, wife of the Director of İpranosian Brothers in Yozgat, corroborated the perpetration of massacre with her testimony. She said: "Kemal Bey asked the gendarmes conducting a caravan of Armenian deportees: Where are you going? Cross beyond the hill and destroy them there".

So, two ^hundred eighty Armenians were killed.

The ~~y~~ eyewitness could not retain her emotion, when she related details of the massacres perpetrated at Tash-Pinar and Keller.

President- From where did you get such details?

Aznive- These are events which happened before my eyes. I found refuge in the house of Nazimzade Ali. We lived horrible days. How we can forget it? I saw the Kehya of the village whose arms and legs were tied, and who was at the head of the caravan of deportees, eventhough he was in agony, despite this he was impelled to walk. Feyaz here present, a whip in his hand, accompanied the caravan, and gave orders here and there, left and right.

Women and girls of the caravans were stripped of their clothing and their most private parts were bared to stael their money.

When Kemal came to Yozgat, caravans of Armenian deportees were massacred. Tefvik Bey, Gendarmerie Commander, had them killed en route while Feyaz had them pillaged. To enforce his orders, he used a whip on a pregnant women. I heard them shout: "God created us for today". ~~The people.~~

The people were armed with axes and weapons of all kind, and at a distance of two hours from here they finished their job done and returned. I was not there, but I saw Artin Kehya wounded and his clothes were blooded. Nizam-zade Ali Bey gave me refuge in his house.

Kemal objected that this woman could not obtain so many details while inside a home and asserted that all her testimony was hearsay.

Aznive- I used to visit the wife of Vehbi Bey, Chief Accountant. Kemal and Tefvik were talking with Vehbi. Kemal told Vehbi that he had a great many Armenians massacred, but was not yet satisfied. To be fully satisfied he would also have the Armenians of Yozgat massacred. 1

1. According to established policy in Turkey, this was the mentality, that the more infidels or Armenians were massacred, the higher the rank they would achieve.

Thus destruction of a greater number of Armenians would easily earn a very high official status in their political hierarchy.

Kemal, because of the massacre at Boghazlian was promoted to the rank of Provisional Mutesarif of Yozgat by special order of Atif Bey, Provisional Governor-General of Ankara.

In Yozgat, at a drinking party, he boasted that after he had the Armenians of Yozgat massacred he would be promoted as Mutesarif or as Vali, according to the testimony of Shakir Bey, Deputy of Yozgat.

Tevfik, Vehbi and Kemal deliberated there secretly how to deport and destroy Armenians. This Court may ask Tevfik where are the men from the five hundred Armenian families of Yozgat, now. The women are without protection. Where are their men?

In addition, Aznive answered Kemal: "I was hidden in that house for only two days. Vehbi Bey committed many crimes, but he saved my life. I cannot deny this. Every day Kemal and Tevfik came to the house of Vehbi for deliberation, as I said above.

Kemal- She is a liar.

Aznive- To Tevfik- Was it not you, armed with a sword and whip, who shouted towards the women near the house of Kasparian: 'Come with us and show us the hidden arms in Armenian homes'.

Tevfik- No, because of the accusations of Minasian we made ~~such~~ perquisitions. Feyaz also tried to justify himself without success.

Then Vehbi Bey, Chief Accountant (Muhasebeci) in Yozgat, testified as a witness in charge. He was the president of the Commission of "Abandoned Goods" in Yozgat. He derived the strenght to appear before the Court since he was already implicated especially as far as the plunder and confiscation of Armenians' possessions. He testified:

"Kemal Bey delivered the lists of the Armenian depor-

tees to me and I also collected the superfluous sums of money from the Armenian deportees and entered them in a special ledger. The Armenian caravans were then deported, escorted by a few trustworthy men.

President- Was there a special clause in the instructions to seize all goods and possessions of Armenian deportees without thought that they had have money to live?

Vehbi- I don't ^{not} recall.

President- If there was no such clause in the instructions how did you dare to engage in such conduct and behaviour?

Vehbi- began to reflect...

President- Why did you take the Primate's ring?

Vehbi- In prison, I told him to deliver unto me what he had with him. He entrusted me with his ring, one hundred Turkish pounds and a sacred object. I had them registered as they were given to me.

President- What was your relationship with Kemal?

Vehbi- Kemal brought a recommendation from Ankara. I was his host for some days. I had no other relationship with him.

President- Did you indulge in drinking parties together? (douzico).

The Defense-Attorney asked whether or not the witness knew Aznive and whether Tefvik participated in the drinking parties?

Vehbi- Perhaps, If I see her. Tevfik used to participate in drinking -parties.

Vehbi and Aznive were cross-examined. At first Vehbi tried not to recognize her. Then he said: "She came to ask for my protection. I told her not to be afraid. Wasn't that so?

Aznive- Yes, I cannot deny his help, but I cannot forget that in your room you were drinking with them and saying: "to the health of the Armenians" / You always held confabulations with them and I over^hheard your conversations, I confess, beyond the door.

Vehbi- My conscience does not allow me to recognize as part of my own conversation. I helped you.

Aznive- Please ask him how the Armenians were arrested in the market place of Yozgat. Gendarmes used to say: "Muhasebeci" Bey wishes to see you". "Muhasebeci" is Vehbi Bey.

Vehbi tried to convince the Court that he was not aware of the deportation and that he did not know when the deportation began.

Aznive- He is lying. Ten days before the deportation, he held secret meetings in his house, he and his colleagues were making decisions and organizing the deportation. Mutesarif Jemal Bey and Secretary Mustafa Bey would not carry out the Government's order.

It was Thursday, Nejati Bey came and held a secret

with them. Vehbi Bey said about Mutesarif Jemal Bey: "This governor is not a Turk, he must be removed from Yozgat". My husband confidentially heard the above words from the Secretary Mustafa Bey and revealed it to me".

Aznive's testimony drew the attention of the Court. The Judges and other members looked at each other, and whispered to each other.

The spectators began to leave the courtroom. Vehbi Bey attempted to slip quickly, as the gendarmes came to arrest him for trial.

The witness in charge was arrested in the courtroom after his testimony and the cross-examination. 1

1. La Renaissance, No.101, Saturday, March 29, 1919.
Jamanag, March 29, 1919, p. 4, col. 1,2,3.

^{there} [Mrs.] Aznive, wife of the director of Ipranosian Bros. in Yozgat, corroborated the perpetration of massacre with her testimony: "Kemal Bey ^{asked} ~~said to~~ the gendarmes conducting a caravan of Armenian deportees; Where are you going? ^{To} Cross ~~over~~ beyond the hill and destroy them there."

So two-hundred-eighty Armenians were killed.

The eyewitness could not retain her emotion, when she related details of the massacres perpetrated at Tash-Punar and Keller.

President- ^{From} Where ^{did you} ~~you~~ got such details ~~from~~?

Mrs. Aznive- These are events which happened before my eyes. I ^{found} ~~got~~ refuge in the house of Nazimzade Ali. We lived horrible days. How we can forget it? I saw the Kehya of the village whose arms and legs were tied, and who was at the head of the caravan of deportees, even ^{though} he was in agony, despite this he was impelled to walk. Feyaz, here present, a whip in his hand, accompanied the caravan, and gave orders here and there, left and right.

Women and girls of the caravans were stripped ^{of} ~~of~~ ^{their clothing} ~~and~~ ^{steal} ~~and~~ their most ^{private} (shameful) parts ^{were bared} ~~to take off~~ their money.

When Kemal came to Yozgat, caravans of Armenian deportees were massacred. Tevfik Bey, gendarmerie Commander had them killed en route while Feyaz had them pillaged. ~~He used to impell with his whip~~

To enforce his orders, he used a whip

According to the beliefs of the Turkish Moslems, the more Christians (or non-believers) they would kill, the higher reward they would receive in the afterlife.
[or - in the Moslem interpretation of heavenly existence]

According to the established civil policy in Turkey, the more Christians [or Infidels - non-Moslems] were massacred or otherwise destroyed the higher the rank they would achieve. Thus destruction of a greater number of Armenians would easily earn a very high official status in their political hierarchy. Kemal, because of the massacre at ~~the~~ Boghazlian, was promoted to the rank of Provisional Muhtarif of Yozghat.

In Yozghat, at a drinking party, he ~~stated~~ boasted that after he had the Armenians of Yozghat massacred he would be promoted ^{as Mute Sarif or} ~~to the~~ as Vali.
According to the testimony of Shaker Bey ^{Deputy} of Yozghat.

on a pregnant woman.

I ^{heard} saw them shouting: "God created us for today". The people were armed with axes ^{and} weapons of all kind, and ^{at} in a distance of two hours ^[from here] they ^{finished} got their job done and returned back. I was not there, but I saw Artin Kehya wounded and ^{his} bloody ^{were bloodied} clothes. Nizamzade Ali Bey gave me refuge in his house.

Kemal objected that this woman could not ^{obtain} get so many details while in ^{side} a home and asserted that all her testimony was hearsay.

Mrs. Aznive-

I used to ~~not~~ visit ~~to~~ the wife of Vehbi Bey, chief accountant. Kemal and Tevfik ^f were talking ~~in~~ with Vehbi. Kemal ^{told} said to Vehbi that he had ~~so~~ ^{a great} many Armenians massacred, but was not yet satisfied. To ^{be fully} ~~get~~ satisfaction he would also have the Armenians of Yozgat massacred. Tevfik, Vehbi and Kemal deliberated ^r these secretly how to deport and destroy Armenians. This Court may ask Tevfik where are ^{the} ~~men~~ men ^{from the} for five hundred Armenian families of Yozgat, ~~now~~. ^{The} women are without protection, ~~but~~ where are their men?

In addition, Mrs. Aznive answered Kemal: "I was hidden in that house ^{for} only during two days. Vehbi Bey committed many crimes, but he saved my life. I cannot deny this. Every day Kemal and Tevfik came

to the house of Vehbi for deliberation, as I said above.

Kemal- She is a liar.

Mrs. Aznive- To Tevfik: Was ^{it} not you, ~~who~~ armed ~~me~~ with a sword and whip, ^{who} ~~were~~ shouting towards ~~the~~ women ^{is} ~~nearly~~ the house of Kasparian? "Come with us and show us the hidden arms in Armenian homes".

Tevfik- No, ^{these are accusations} ~~upon the indication of~~ Minasian, ^{because of the} ~~that~~ ^{but not} we made such perquisitons. Also Feyaz tried to justify himself without ~~any~~ success.

Then Vehbi Bey, Chief Accountant (muhasebeci) in Yozgat, testified as a witness in charge. He was the president of the Commission of "Abandoned Goods" in Yozgat. He ^{derived strength} ~~got~~ the courage to appear before the Court ^{since} ~~as~~ he was ^{already} implicated especially ^{as far as the} ~~in~~ plundering and confiscating ^{is} ~~of~~ Armenian possessions. He testified:

"Kemal Bey ^{delivered} ~~communicated~~ ~~me~~ the lists of the Armenian deportees, ^{to me,} and I also collected the ~~(su-~~ ^{sums of} ~~perfluous)~~ money ^{from} of the Armenian deportees and ^{entered them} registered in a special ^{ledger} ~~(register)~~. ~~Then~~ ^{then} the Armenian caravans were ^{then} deported, escorted by a few ^{trustworthy} men, ~~of~~ confidence."

President- Was there a special clause in the instructions to seize all goods and possessions of Armenian deportees without ^{sought} ~~thinking~~ that they ^[have money to] had to live?

11

Vehbi Bey- I don't ^{not} recall.

President- If there was not ^{such} a clause in the instructions how did you dare only according to the order of the Government have ^{engage in such} such an unlawful conduct and behaviour? ^(which could only be carried out by official Government orders)

Vehbi Bey began to reflect...

President- Why did you take the ring ^{Kemal's} of the ~~Primate~~?

Vehbi Bey- In ~~the~~ ^t prison, I told him to deliver ^{sent to} to me what he had with him. ~~Then~~ ^{he} entrusted me with his ring, ^{one} hundred Turkish pounds and a sacred object. I ^{had} ~~got~~ them registered as they were. ^{given to me}

President- What was your relationship with Kemal?

Vehbi Bey- Kemal brought a recommendation from Ankara. I was his host ^{for} ~~during~~ some days. I had no other relationship with him.

President- Did you have ^{together?} (drink parties) (duzico) ^{indulge in} with him?

The Defense-Attorney asked whether or not ~~Mrsxx~~ ~~Aznive~~ the witness knew ~~Mdx~~ ~~Mrs~~ Aznive and whether Tevfik participated in ^{the} drink parties?

Vehbi Bey- Perhaps, if I see her. Tevfik used to participate in drink ^{parties}.

Vehbi Bey and ~~Mrs~~ Aznive were cross-examined.

Vehbi Bey tried at first not to recognize her,

then he said: "She came to ask ^{for} my protection. I ^d told her not to be afraid. Wasn't ^{that} so?"

~~Mrs.~~ Aznive- Yes, I cannot deny his help, but I cannot ~~no more~~ forget that in your room you were drinking with them and saying: "to the health of the Armenians"! You ^{held} always ~~confabulations~~ ^{conversations} with them and I ^{overheard} your talks, I confess, beyond the door.

Vehbi Bey- My conscience does not allow me to recognize as ^{part of conversation} my own talks what you said. I ^{helped} you.

~~Mrs.~~ Aznive- Please ask him how ^{she} Armenians were arrested in the Market ^(Place) of Yozgat. Gendarmes used to say: "Muhasebeci Bey wishes to see you", and "Muhasebeci" is Vehbi Bey.

Vehbi Bey tried to ^{convince} have the Court believe that he was not aware of the deportation, ^{did not} that he knew ~~after~~ when ^{the} deportation began.

~~Mrs.~~ Aznive- He is lying. Ten days before the deportation, he held in his house secret meetings, he and his colleagues were making decisions and organizing ^{the} deportation. Mutesarif Jemal Bey and Secretary Mustafa Bey would not carry out the order of the Government.

It was ^{on} Tuesday, Nejati Bey came and held a secret meeting with them. Vehbi Bey said about

Mutesarif Jemal Bey: " This governor is not a Turk, he must be removed from Yozgat". My husband ~~who has~~ heard confidentially the above words from the Secretary Mustafa Bey, ^{it} revealed to me."

~~Mrs.~~ Aznive's testimony draw^e up the attention of the Court. ^{the} Judges and other members looked^o at each other, and whispered words to each other.

^{The spectators began to} Attendance were leaving^{the} courtroom. Vehbi Bey attempted to ^{slip} get out quickly, ^{as the} when gendarmes came to arrest him. 1

fortial. The witness in charge was arrested in the court room after his testimony.

1. "La Renaissance", No.101, Saturday, March 29, 1919.
- "Jamanag", March 29, 1919, p. 4, col. 1,2,3.

Session XVI

On March 29, at the session, the Court heard the explanations fo Vehbi Bey, who passed from the witness box to to box of indicted.

^h
The President asked him details of searching Armenian deportees. Vehbi Bey stated that many of the Armenian deportees entrusted him money and jewels.

President- Did you ~~search~~ ^{search} yourself those Armenians who refused to entrust you?

Vehbi- Sure.

President- Why and how was it rightful?

Vehbi changed color, whispered some words ^u ~~un~~-intelligible.

Kemal, in the meantime, read his defense:

"Armenian witnesses supposed that I had a trumpet in my hand and that I used it to give orders. They asserted that massacres were carried out with music of drummer. They pretended that I ~~ø~~ said: "Don't you know how to cut wheal?"

"All this is false, invented in ~~a~~ ^{an attempt} ~~goal~~ to help ~~the~~ Armenian cause. They want to demonstrate to Europe that high rank officials of the province have of-
conducted
ficially ~~the~~ massacres and have participated in ".

Kemal's argumentation was ideological: Arme-

nians being internal enemies of the country and the Turkish people, and Moslem religion, and the members of the Armenian political parties having separatist tendencies, had to be annihilated.

Hami Bey, Defense-Attorney of Tevfik, praised the attitude of the Turkish Government, who helped the Armenian deportees by taking off their money so preventing the pillaging of Armenian deportees ~~enroute~~ on route.

He accused the Armenians ^{of} ~~as~~ being responsible of the massacres perpetrated by Turks because of their provocation through revolutionary movements. He declared that the Armenians had massacred one million of Moslems, while Turks had massacred only two hundred thousand Armenians according to the statements of Boghos Nubar Pasha. He accused the Turks of Yozgat, who being ^{excited} ~~excited~~ by Armenian revolutionaries, massacred Armenians. He justified Tevfik, who had not even negligence in his duty to help Armenians.

And Tevfik justified himself.

He tried to ^{fulfill} ~~search~~ alibi and urged the Court to hear more witnesses in discharge, which was supported by his defense attorney.

Then prosecutor Kharalambidis pronounced his indictment:

"I see that there is a tendency^e to break down the testimonies of Armenian witnesses by attributing them national goals. Suppose that this may be true. I will base then only upon the important testimonies of two witnesses, as the Mufti^f who made protest against the following answer of Kemal: "Are you, then, more merciful than the Government?", and Jemal Bey, former Mutesarif of Yozgat, who advised Kemal not to "meddle in this the population to what he was^s doing, in order not to stain the people, but let him ~~do~~^{deal} with his creatures".

The Prosecutor, in addition, thinks that the formal telegrams of Shahabeddin Bey and Khalil Rejai Bey are very important.

"There is, he said, a disaster more than evident, unless to hear the witnesses in discharge".

The Defense-Attorneys again insisted to hear the witnesses in discharge. The Court decided to hear only the witnesses who were in Constantinople. But the example of the Muha^sbebeji Vehbi Bey terrified them, because coming to testify in discharge, he was arrested in the Courtroom and tried.

The session of Monday, March 31, 1919, began with the examination of Tefvik Bey, like others whispered unintelligible answers.

Bahri Bey, a discharge witness, came to tes-

tify. Bahri Bey was a poor man, is now an important tradesman, owner of a colossal fortune, about two hundred thousand ^u Turkish pounds or seven million dollars. He possesses two hundred camels that he uses for transportation.

Bahri stated that he does not know much about Tefvik, but thinks that he was opposed to the deportation of the Armenians.

President- Are you called to testify in favor of Tefvik?

The President urged him to say what he knew about massacres.

Bahri- I did not see with my own eyes, but I heard that the Armenian deportees were pillaged and massacred.

As Bahri was one of those who had organized deportation and massacre in Akdagmaden, was very prudent in his answers.

Then the President declared that inquiries were ended. The Defense-Attorneys tried to obtain postponement.

The Court refused.

The trial of Feyaz was separated from the one of his colleagues and joined to the trial of other accused, who are detained in the prison of the Court Martial.

The Prosecutor claimed to apply for Kemal and Tevfik the provisions of the Article n 56 of the ~~Code~~ Penal Code. Art. 56 fixes death penalty to those who foment troubles between the elements of the Ottoman Empire, those who arm and organize pillages and massacres. 1

- Z. 1. "La Renaissance", No.103, Tuesday, April 1, 1919.
"Jagadamard", April 8, 1919, p. 3.

Session XVIII

Wednesday, April 2, 1919, the Yozgat trial would be ended.

A great multitude of people came to attend the historical session and to hear the final verdict, the first in the history of the Ottoman Empire.

They were all disappointed, ~~because~~ because Kemal has not come to the Courtroom.

As it was stated, he would be sick.

One of his defense-attorneys was walking in the corridor of the courtroom, and use to say to every and each one who entered the courtroom: "Kemal is suffering of mental insanity". Consequently he could not come to the Court. 1

1. La Renaissance, No. 105, Thursday, April 3, 1919.

V e r d i c t

delivered by the Turkish Court Martial
recognizing the direct responsibility
of the highest Government Officials
devoted to the organization and execution
of the Armenian massacres

Transliteration.

8 Mart 335 tarihinde
İrade-i Seniye-i Hazreti
^{iktisad eden}
Padişahiye, DIVAN-I HARB-İ
ÖRFİ Muhakematı zabıt
Ceridesi.

Reis: Ferik Mustafa Nazım
Paşa,
Âza : Mirлива Zeki Paşa,
Mirлива Mustafa Paşa,
Mirлива Ali Nazım Paşa,
Miralay Recep Ferdi Bey.

YOZGAT TEHCİR VE TAKTİL
MUHAKEMESİ.

(3617 Numaralı Takvim-i
Vakayiye merbuttur)

English Translation.

Minutes of the
Court Martial constituted
by Imperial Edict of his
Majesty the Sultan
dated March 8, 1919.

President: General Mustafa Nazım
Pasha,
Members : Colonel Zeki Pasha,
Colonel Mustafa Pasha,
Colonel Ali Nazım Pasha,
Brigadier-General Rejeb
Ferdı Bey.

T R I A L
YOZGAT DEPORTATION AND MASSACRE

(Annexed to Takvim-i Vakayi
No.3617)

m

Vicahen Muhakemeleri
icra edilen maznunların
esamisi:

Yozgat Mutasarrıf Vekili
ve Boğazlıyan Kaymakam Ke-
mal Bey,

Yozgat Jandarma Kuman-
danı ^{Binbaşı} Tevfik Bey.

Karar Suret-i.

Muhakematı cariye veçhile
tarafının iddia ve ifadat,
ve müdafa'atının istimalın-
dan, ve biccümle evrak ve
davanın serapa mütalea, ve
tedkikinden sonra, icabı
keyfiyet müzakere olundukta,
gerçi maznunun ve vekili
müdafa'aları inkârı töhmet,
ve talebi berayet etmekte
isclerde, ahkâmı Celileyi
İslâmiye, ve kavanini Nev-
zue-i Osmaniyenin emir
ityanına tabiyan bilumum ^{hukuk}
anasırı yekdiglerinden tevdi
etmeyerek, muhafaza-i irz
ve can ve mallarının temini

The Trial took place in
the presence of the following
defendants:

Kemal Bey, Acting Mutesarif
of Yozgat and Kaymakam of Bo-
ghazlian,

Tevfik Bey, Gendarmerie
Commander of Yozgat. 1

Copy of Verdict.

According to procedure fol-
lowed, after hearing both parties,
their explanations and defense
pleas, after reading and studying
in entirety all the documents
and records relative to this case,
it has been established, after
deliberation that:

Although the defendants and
their counsels have denied any
guilt on the part of the accused
and have asked for their acquit-
tal, the Court is mindful of Is-
lamic Law and provisions enfor-
cing protection of all subjects 2
of the nation without discrimi-
nation - their life, honor and

1. The name of Feyaz is omitted because his trial was separated.
2. Although this being a theoretical right provided by Constitution,

ve hukuku ammenin her göna
hatır, ve halalden vakayesi
kâffe-i memurini devletin
ekber vezâifinden bulunduğ
halde, mücrimiyetleri talep
olunan Boğazlıyan Kaymakamı
ve Yozgat Mutasarrıfı Vekili
Kemal, ve Yozgat kazası Jan-
darma Kumandanı Binbaşı Tev-
fik Beyler daire-i memuriyet-
lerinde tehciri emir olunan
Ermenianın acize kadınlarına
ve sağır ve sağire çocuklarına
vâincaya kadar, evamiri muba-
lağa resmîyedeki istisnaları
bile gözetmeksizin lieclil-
tehcir sevkeyledikleri kafi-
leleri teşkil edenlerin kafe-
sini nakut ve zikıymet eşya-
larından badettehcir hukuku
şahsiyelerini nazarı itibara
almaksızın ihtirasat-ı zatiye

property rights - and to ensure
justice for all against any vio-
lation and alienation. This cons-
titutes one of the principal
duties of all State Officials.
In the State of Ankara, Kemal
Bey, Kaymakam of Boghazlian and
Acting Mutesarif of Yozgat, as
well as Major Tevfik Bey, Gen-
darmerie Commander of Yozgat,
received the deportation order,
acting in their Office, exiled
defenseless women, the weak and
the girls among the Armenians
whose deportation order they had
received, and they subjected to
exile even those who were offi-
cially exempted from deportation;
they plundered the money, jewels
and valuable objects from the de-
portees of Armenian caravans.
Without taking into account in-

the Turkish Extraordinary Court Martial created for the first time
a new jurisprudence in the history of the Ottoman Empire that Tur-
kish Sovereignty had not and ^{no longer} ~~has no more~~ right to deliberately
decide administratively and organize massacre of denigrated subjects
or ethnical groups living in Turkey.

lerinin sevkiyle, bazı eşhas-ı leiminin tebliğat ve telkinat-ı hafiye-i gayri meşrualarını bikkabul merkuların müreffehen, ve salimen mahalli mübeyineye isal edebilmeleri için, ittihazı lâzım gelen tedabiri katiyyen ve kasten nazarı itibara almamak ve emri muhafazalarını tahtı temine almadıktan başka bikkülliye müdafa inkânlarını selb için zükürün kollarını bağladarak tasmin, ve tarzı tatbiki tayin edilen füce-i ikayına meydan vermek, ve hatıta füce-i mezküreyi bilistihbar mukarrereren istizah eyleyen amirine karşı ketmi hakikatla vukuatın memine sed çekmek ve eşhas-ı gayri mesuleye

dividual rights, they sent them according to their own personal whims and gave secret orders and unlawful instructions to certain malicious persons. Whereas, they should have taken necessary measures to exile these people under the protection and care, (3) they never showed consideration. They not only deliberately refused to take any measures to protect them, but they also deprived them completely of any means by which to defend themselves. They bound the men together thus making it easier to commit their crimes. Even after crimes were exposed, when asked for explanation, they hid the truth. Instead of preventing, ^{it} they ordered the ~~un~~

non-responsible gendarmes to commit

-
- 3) The Court seems to admit that the Turkish Government has a right to deport administratively an ethnic group being well aware that deportation means at least decimation, supposed that secret orders of massacre be excluded.

mesul olan memur ve muhafızlar
 üzerine amir olarak bilizâm
 mekasidi leimenin hulusunu
 teyit^{ve} teshil eylemek suretiyle
 hissiyat-ı insaniye ve mede-
 niye ile veçihen minel vucuh
 kabili telif olunmayan ve
 tahrisi indel İslâm kebirî
 cinayetden madut olan ^{cinayet} kital
 ve nehb u ğarata sebebiyet
 vermiş olduklarını istima
 olunan şuhudun alele derecet
 vakı olan kanaatbah⁵ şehe-
 detten, ve bazı memurini aske-
 riye beyinlerinde teati edilen
 muhaberat-ı resmiye-i telgra-
 fiye mündericatından ve maz-
 nuniyen mümaileyhümanın red⁴⁵
 ducerhi tezanmum etmeyen
 ecvabe adedleri tedkikatından ve
 kafilelerindeki sağır ve nis-
 vanı veli, ve mukariplerinden

~~to commit~~ the atrocities, giving
 them total immunity⁽⁴⁾. They sanc-
 tioned and facilitated such cri-
 minal deeds to take place con-
 trary to mankind and civilized
 world. They were the cause of
 the massacres and plunder, con-
 sidered by Moslems as the grea-
 test of crimes.

Testimony of the witnesses
 showed without doubt that some
 military officials exchanged
 numerous telegraphic communica-
 tions, contents of which are
 denied by the defendants.

After studying several ques-
 tions that were asked, it is
 established that women and chil-
 dren in the convoys were deprived
 of their protectors and parents
 and crimes of massacre and plunder
 were committed.

4) "Giving them total immunity". Before giving such "total immu-
 nity" to the criminals to commit atrocities, surely district go-
 vernors had received from Governors-General and Government highest
 Authorities the jurisdiction to give immunity to their subaltern
 agents.

Komitelerinin teşvik ve tehcir-
düşünce tarafına 1945'te
lerine kapılarak ihtilaliyeye

in the agitation, as a result of
y { ~~empt~~ ~~empt~~ }
which, Armenians revolted and

[Armenian volunteers serving in
the Russian Army K] the rest of

- b

etmiş/olmalarıyla ~~Yozgat~~
 ma berahin ve ^ehır memurin
 balade muharrer olduğu ^{NU}veç-
 hile hissiyet-i milliye, ve
^kikraz şahsiyeden nefsini
 tecrit ederek bihasebil ^umemu-
 riye yed ⁱ emanetine mevdu
 ahalinin bila tefriki cin ⁶
 ve mezhep pederi müşfikleri
 gibi muhafaza-i hayat ve
 hukuklarına hasrı vücut
 etmesi bir emri mutlak
 olduğu halde, mümaileyh
 Kemal Beyin müdafa'atında
 dermeyan ettiği gibi, Van
 ve Erzurum ve Bitlis cihet-
 lerindeki Ermenilerin Müslü-
 manlara karşı reva gördükleri
 mezalimin mesuliyetini şayanı
 ehemmiyet hareketi ihtila-
 liyede bulunmadıkları anla-
 şılan Yozgatta mutavaatın

The officials should not have
 given in to ill feelings or a
 desire for personal revenge.

Because of official obligä-
 tions, they ~~Yozgat~~ should have pro-
 tected the life and the rights
 of all people entrusted to them
 for paternal care, without dis-
 criminati^{on}g as to race or reli-
 gion. To us, it was an absolute,
 irrevocable order.

In his defense, Kemal Bey
 tried to accuse Armenians from
 Van, Erzerum and Bitlis of com-
 mitting cruelties against the
¹Moslems. 5 To Armenians from
 Yozgat, who never had any record
 of evident insurrectionary move-
 ments, the defendant's accusations
 had neither a legal nor moral
 basis.

While the above mentioned

-
5. They charged the Armenians of Yozgat district with the
 eventual possibility of crimes supposed to be committed
 in the places as Van, Erzerum and Bitlis. The Court Martial
 does not accept that this may be a justification of the mas-
 sacres committed in Yozgat district.

Ermenilere tahmile hiç bir
cevazı kanun-u ve vicdanı
bulunmadığı halde merhumun
haklarında hisse intikam,
ve ^gikraz-ı şahsiye izparı ^hve hatta yalnız ziri idare-
sinde ^vbilum ^{sancak} ahali-i islâ-
miesini değil ^{NQNN}~~bilum~~ is-
lâmların milleti merkume
aleyhine bilmukabele taktıl
fikri sakımında bulunmalarını
tabi-î ve adeta lâzum görmesi
evrak-ı mevcude meyanında
bulunan ve mündericati üç
şahs-ı gayrı mesulin memuri
resmi üzerine amir ve her
göna emirlerine ita'ata ^fkafile
muhafızlarını mecbur ^akılmış
olan hattı-destiyle ^hmukar-
rer vesâkanın irsalından
maksadı kafile eşhasının
taktili olduğundan, ^{Subhe}ve tered-
düt bırakmadığından delaili
mepsute, ve berahini kat'iyen
mezkûreye karşı maznunani
mümaileyhiha ile müdafea
vekillerinin dermeyer etmiş

[defendants K] urged by vengeance
and personal profit, acted with the
intention to incite not only the Mos-
lems of the district, but they pro-
voked the Moslem population in gene-
ral to kill Armenians; they consi-
dered that massacres were natural
and necessary. Contents of the do-
uments prove that three (Kemal, Tef-
fik, Feyaz) irresponsible indivi-
duals controlled the activities of
the Government officials, who con-
ducted the convoys and obeyed the
orders they received (from superiors)
Documents in their own handwriting
establish that the Gendarmes accom-
panied the convoys for the purpose
of killing them. This has been
proved beyond a shadow of doubt.

Proofs and documents previous-
ly mentioned definitely establish
the guilt of the accused. Arguments
presented by the Defense have ab-
solutely no value.

The Prosecutor asks for ap-
plication of Article 56 of the
State Penal Code, but this does

oldukları müdafa'at külli-yen bâtil görülmüş, ve Müdde-i Umumîliğinin) mülkiye ceza kanunnamesinin elli-altıncı maddesinin tatbiki yolundaki talebi dahi gayrı muvafık bulunmuş olmakla Hümaileyhina Kemal ve Tevfik Beylerin, mülkiye ceza kanunname-i himayunun kırkbeşinci maddesi mucibince mücrimiyetlerine müttefikan karar verildikten sonra, tayini cezaları hakkında cereyan eden müzekkere neticesinde irtikap eyledikleri efa'alı cinaiye mezkûr kırkbeşinci maddede zikrolunduğu veçhile hem fiil addolunarak, mücrimini merkuminin her biri faili müstakil addı ve ancak Kemal Beyin mezkûr sancağının en büyük mülkiye memurı olduğu halde, taktil ve nehp ve garet efa'alı cinayesinin tarzı icrasını

not conform the case.

Defendants Kemal Bey and Tevfik Bey are sentenced according to Article 45 of the State Penal Code. They are found guilty by unanimous vote.

Provisions of Article 45 define penalties for such crimes as: each of the principal accomplices is to be considered independently. Kemal Bey, the highest civilian official of the sanjak of Yozgat organized the murders, plunder and thefts; he ordered convoys of deported persons be escorted by irresponsible individuals. With a total disregard for the ranks of other officials, he appointed Shukri Chavoush (Sergeant) as Official directly responsible for convoys entrusted to him. The latter was considered principal accomplice in these crimes.

tertip ve bir takım gayri mesul eşhas-ı tehcir kafilelerine terfik etmek, ve mürettebe riayet eylemeye bile lüzum görmeyerek, doğrudan doğruya kafile memuru resmisi Şükrü Çavuş eşhas-ı merkuminin emrine ita'ata sevketmesi hasebiyle faale asli ve merkum Tevfik Beyinde feren-zimedhâl olduğuna, kana'atı tame vicdaniye hasıl olmakla taktil ve nehb ve garantın tehaddüs eden efa'alı mezkûre berveçhi bala ~~kuk~~ beşinci madde-i tatbikan hem fiil olup askeri ceza Kanunname-i himayunun ^{birinci} yüzyetmiş ~~iki~~ ve mülkiye ceza kanunname-i yüzyetmişinci maddesine) ^{berine} ^{abir} müteallik ve mezkûr yüzyetmibirinci madde ise: "Gerek müsellâh ve gerek gayri müsellâh alenen tehacümle ve gerek

Before and ^fafter the fact our conviction is that the above mentioned Tevfik Bey is adjudged accessory.

According to Article 45, massacre, plunder and theft are considered incitement and according to the provisions of Article 171 of the Military Penal Code and Article 170 of the Civil Penal Law.

Article 171 reads: "Those who loot food or merchandise in groups through means of armed or non-armed public attack are sentenced to death.

Article 170 of the Imperial Penal Code reads: "A person who kills an individual with premeditation, or willfully kills one of his clan of either sex, even without premeditation, is sentenced to death".

According to the provisions of the above article, Kemal Bey

kesri sur ve ebvable ve
 gerek eşhas üzerine icra-i
 tazrikle müctemiyen zahire
 ve erzak ve emtiya ve eşya-ı
 yağma ve tehrip etmek...
 idam", ve mülkiye ceza ka-
~~munun~~ nunname-i himayunun
 yüzyetmişinci madde-i
 kaimesi dahi: Tammüden
 bir şahs katleden veya
 abave ecdat, ve ummehat,
 ve ciddatından birini, ~~ve~~
 ve levmin gayrı taammüt
 kasden katleyleyen kimse
 idam olur", bil ibaretiha
 natık bulunduğu mücri-
 mini merkumundan Kemalın
 idam, ve salifül zikr kırk-
 beşinci maddenin ~~şıkra~~-ı
 saniyesi dahi: " eger
 fiili asli idam veya müeb-
 bed kürek cezalarını müstel-
 zem ise, ^{ta}feren-zi-me^hhöl
 olanlar hakkında on seneden
 aşağı olmamak üzere, müvakkat

is hereby sentenced to death.

The second paragraph of
 Article 45 reads: "if the prin-
 pal defendant is sentenced to
 death or hard labor for life,
 his accomplices will be senten-
 ced to hard labor for no less
 than ten years".

As a result of the facts
 disclosed, Tevfik Bey is sen-
 tenced to hard labor for no
 less than fifteen years.

α hakkında on seneden azāğı olmamak üzere
muvakkat kūrce

12 cezaların müstelzem ise, feren zimedhol olanlar^x
kürek", ¹⁴diye muharrer bu-
lunduğuna binaen Tevfikin
dahi onbeş sene muvakkat
kürek cezaları¹⁴ tecziyele-
rine karar verildi.

These decisions were made
unanimously.

6 Recep 337,

8 Nisan 335.

Ali Nazım, Mustafa,

Zeki, Nazım,

Recep Ferdi.

April 8, 1919.

Signed/: Ali Nazım, Mustafa,

Zeki, Nazım,

Rejeb Ferdi.

Divan-ı Harb-i Örfi zabıt

Heyet-i Amiri:

Abedin Daver.

Supervisor of the Minutes
of the Court Martial:

Abedin Daver.

3617 Numaralı Takvim-ı
Vakayiye merbuttur,
9 Zilkaade 1337
ve 7 Ağustos 1335.

Annexed to the Turkish
Official Journal Takvim-I
Vakāyi, No. 3617.

Published August 7, 1919.

GOVERNOR KEMAL BEY'S EXECUTION

On July 12, 1915, Captain Mustafa Bey, Commandant de Place of Boghazlian, urged the local government to hand over the register containing the names of more than fifteen-hundred Armenian ^{males} men massacred by order of Governor Kemal Bey of Boghazlian.

Mustafa Bey did not receive any answer.

July 13, 1915, he urged again the local government in another official notice, but he was refused. ¹

On July 14, 1915, Mustafa Bey reported in a coded telegram to his immediate Military Superior Colonel Shahabeddin Bey, Acting Commander of the Fifteenth Division at Kayseri. He made him understand the attitude of the Civil Authorities of Boghazlian refusing to hand over the register containing the names of fifteen-hundred Armenian men. Governor Kemal had already stated that these Armenians were massacred.

Colonel Shahabeddin Bey received another coded telegram from Captain Mustafa Bey reporting ^{to} him that by order of Governor Kemal thirty-six-hundred-sixty Armenian men were massacred up to date July 23, 1915.

In turn, Colonel Shahabeddin Bey communicated the same telegram to his immediate superior Miralay ^H Khalil Rejai Bey, Acting Commander of the Fifth Army Corps at Ankara on July 24, 1915.

1. Military Authority in charge with the affair of deportations and massacres, had received many instructions concerning the atrocities of the Armenians. Since August

The Commander of the Fifth Army Corps at Ankara had received from German General Fritz Bronsart von Schellendorf, Chief of Staff in the General Headquarters, Constantinople, a coded circular ordering to protect the life and possessions and the honor of the Armenian deportees. The circular was dated July 16, 1915.

On July 17, 1915, Miralay ^{the} Khalil Rejai communicated the same circular to Division and Gendarmerie Commanders under the military jurisdiction of the Fifth Army Corps at Ankara.

In reply to the coded circular of General Fritz Bronsart, the Commander of the Fifth Army, despatched July 24, 1915 to the Commander-in-Chief of the Ottoman Armed Forces verbally reproducing the telegram he received from Colonel Shahabeddin, asking at the same time to take necessary measures against those responsible ~~for~~ who had massacred thirty-six-hundred-sixty Armenian men.

But the Fifth Army Commander confessed before Turkish Court Martial that he did not receive any answer to his request.

On the contrary, on August 5, 1915, Kemal Bey, Kaymakam of Boghazlian was promoted ^{Acting} Provisional Mutesarif of Yozgat because of his services of having fifteen-hundred and thirty-six-hundred-sixty Armenian men massacred in Boghazlian district

6, 1915, Military Authority was no more to intervene in the affairs of Civil Authority, but help if needed.

In his capacity of ^{Acting} ~~Provisional~~ Governor of Yozgat district, Kemal Bey organized and carried out the massacre of the Armenians of Yozgat.

On December 15 and 16, 1918, Mazhar Bey, President of The Inquiry Commission at Constantinople, asked Governor Kemal Bey questions concerning especially the massacre of fifteen-hundred and thirty-six-hundred-sixty Armenian men of Boghazlian.

The Extraordinary Court Martial dedicated the ninth session on Friday, February 21, 1919 to the ~~official~~ reading of the Turkish official Documents concerning the massacre of the Armenians, and particularly the two telegrams corroborating the fact of the massacre of fifteen-hundred and thirty-six-hundred-sixty Armenian men of Boghazlian district.

Quote: President Hayret Pasha- Kemal Bey, you shall now hear the telegram despatched by the Chief of Recruiting Office of Boghazlian dated July 14, 1914, 1915, stating that fifteen-hundred Armenians were massacred in Boghazlian and vicinity, y^uo being the governor.

Kemal- I don't know. 2

By order of the President a copy of the telegram was read. Kemal was ^{or} ~~prad~~ to have fifteen-hundred Armenians massacred.

2. Jagadamard, Armenian daily, published in Constantinople, No. of February 23, 1919.

La Renaissance, No. 1

Transliteration from
Turkish Osmanli

Numara 18.

Şifre Muhlulu

Kaza kaymakamlıktan tenkil edilen Ermenilerin miktarıyla bir kıta defterin makamı Âlilerine takdim edilmek üzere 12 Temmuz 331 tarih ve 377 numaralı müzekkere ile de tekit edildiği halde mezkûr defterin elyevm vurut etmemesi ve Kaymakamı mümaileyhinde lisanen kasaba ve kurada bin beşyüz (1500) Ermeni katledilmiş olduğunu ifade etmiş isede, defterin elyevm vurut etmediği.

14 Temmuz 331.

Boğazlıyan Şube Reisi:

Mustafa.

English translation

No.18.

Decoded Telegram

In order to deliver to the High Authorities, we asked from the local government by a notice No.377, dated July 12, 1915 the register containing the names of more than fifteen-hundred (1500) Armenians, and the same request was repeated in another notice No.379 on July 13, 1915, but as of today the register is not delivered, and the governor verbally stated that more than fifteen-hundred Armenians of the district were massacred. The register is not yet delivered as of today.

July 14, 1915.

Commandant de Place of Boghaz-
lian:

Mustafa. 3

3, JAJ, No. ^W511.

The President of the Inquiry Commission at Constantinople asked governor Kemal:

Kemal Beye:

Sual- Boğazlıyan kasabasıyle kariyelerinde bin beşyüz (1500) den fazla Ermeni katledilmiş olduğu ifadenize atfen Boğazlıyan Şube Reisi Mustafa Bey tarafından Fırka Kumandanlığına bildirilmiş, Kayseri Fırka Kumandanıda Kolorduya bildirilmiş.

To Kemal Bey:

Question- It is evident according to the statement you made that more than fifteen-hundred (1500) Armenians of Boghazlian and villages were massacred. Mustafa Bey, the Commandant de Place of Boghazlian communicated to the Commander of the Division; in turn, the Commander of the Division of Kayseri communicated to the Commander of the Army. 4

Then another telegram was read/ in the courtroom:

Quote: The Commandant de Place of Boghazlian sent a telegram to Shahabeddin Bey, in Kayseri, who in turn communicated the same to ^H Khalil Rejai Bey, the Commander of the Fifth Army at Ankara. The telegram stated that thirty-six-hundred-sixty Armenians were massacred as of July 23, 1915. 5

4. JAJ. No. w^f272.

5. Jagadamard, No. of February 23, 1919.

Transliteration from
Turkish Osmanli

English Translation

Aded 207.

Şifre Mahlulu

Ankara Kolordu Kumandanlığına:

Şimdiye kadar Boğazlıyan kasa-
basıyla kurası dahilinde bulunan
Ermenilerinin Boğazlıyan Kaymakamı
vasıtasıyla üç bin altıyüzaltmış
(3660) Ermeninin tatledilmiş olduğu
Şube Riyasetinin işarı telgrafından
atfen mâruzdur.

23 Temmuz 331.

Fırka Onbeş Kumandan Vekili:

Şahabettin.

No 207.

Decoded Telegram

Decipher: Army Commander,

Ankara:

I have the honor to inform
you that according to the telegram
despatched by the Commandant de
Place of Boghazlian thirty six
hundred ^{sixty} (3660) Armenians of Boghaz-
lian and vicinity have been mas-
sacred as of today, by order of
the governor.

July 23, 1915.

Acting Commander of the

Fifteenth Division:

Shahabeddin. 6

Governor Kemal tried again to state that this was
a simple calumny. 7

Mazhar Bey, President of the Inquiry Commission at
Constantinople, asked Kemal Bey the following question:

6. JAJ. No. 2 W²55.

7. Jagadamard, No. of February 23, 1919.

Transliteration from
Turkish Osmanli

Kemal Beye:

Sual- 23 Temmuz 331 tarihine kadar Boğazlıyan kasabasıyla kariyelerinde senin üçbin altmışyüz altmış (3660) Ermeni katlettirmiş olduğun Fırka Kumandanı Şahabettin Beyin Kolorduya çektiği 207 numaralı 23 Temmuz 331 tarihli şifre mahlulunda muharrerdir.

İşbu miktar ancak 23 Temmuz 331 kadar katlolunan Ermenilerin miktarıdır.

English Translation

To Kemal Bey:

Question- You have thirty-six hundred-sixty (3660) Armenians of Boghazlian and villages massacred as of 23 July 1915. ~~The coded telegram despatched to the Army Commander on July 23, 1915 by Shahabeddin, Commander of the Division provides evidence,~~ according to the decoded telegram No. 207 despatched to the Army Commander on July 23, 1915 by the Division Commander Shahabeddin Bey.

This ~~number~~ is only the number of Armenians massacred up to July 23, 1915. 8

^H
Khalil Ibrahim Rejai Bey, 45 years of age, of Monastir, former Acting Commander of the Fifth Army Corps at Ankara testified as follows:

Quoted. I don't ^{not} know these three persons here present (Kemal Bey, Tefik Bey and Feyaz Bey in the courtroom) The Inquiry Commissions about the telegrams concerning the massacre at Boghazlian...

The original of the telegram is preserved in Ankara.
I despatched the same telegram to the War Office...

President- Did you receive any answer?

~~Khalil~~ Khalil Rejai- No answer.

X We received instructions not to intervene in the affair of deportation. Civil Authority was assigned the task...⁹⁹

As the telegram of German General von Bronsart ^{Schellendorf} ordered on July 16, 1915 to protect the lives, possessions and honor of the Armenian deportees, Miralay Khalil Rejai Bey in a telegram to War Office, reproduced the text of the telegram he had received from Colonel Shahabeddin ~~Bey~~ Bey concerning the massacre of thirty six hundred sixty Armenians of Boghazlian, and asked on July 24, 1915 for new orders and instructions to take measures against those who had not protected the lives, possessions and the honor of the Armenian deportees. The War Office and the General Headquarters did not answer the Commander of the Fifth Army at Ankara.

X And the massacre of the Armenians continued according to previous orders and instructions.

We would like to reproduce the Telegram of Commander Khalil Rejai Bey to War Office:

9. Jamanag, February 19, 1919.

Jagadamard, February 19, 1919.

La Renaissance, No. 63, February 19, 1919.

Transliteration from
Turkish Osmanli

English Translation

Aded 528.

Gayet muhim ve mahsustur.

Başkumandanlık Vekâletine:

(Onbeş Fırkadan şifre mahlulu
aynen balaye çıkarılmışdır)

Cevap 16 Temmuz 331 şifreye:

Onbeşinci Fırka Kumandanlığı
Vekâletinden alınan şifreli tel-
grafname sureti aynen balaye çıka-
rılmış olmakla, icabının emir ve
imba buyurulması.

24 Temmuz 331.

Beşinci Kolordu Kumandan

Vekili:

Miralay Halil Recai.

No. 528.

Very Important and special.

To the Acting Commander-in-Chief

(The decoded telegram received
from the Fifteenth Division reprodu-
ced as it is).

In reply to the coded telegram re-
ceived on July 16, 1915.

Copy of the telegram received
from the Acting Commander of the
Fifteenth Division is hereby rep-
roduced as it is.

Please send me necessary order
and communicate instructions.

July 24, 1915.

Acting Commander of the Fifth

Army Corps:

Miralay ~~Halil~~ Rejai. 10.

Turkish Extraordinary Court Martial sentenced to death
X governor Kemal Bey, Kaymakam of Boghazlian, promoted ~~Pro-~~
visional Mutesarif of Yozgat, on April 8, 1919.
Acting

The verdict was ratified by Sultan Mehmed VI Vahi-
deddin for execution.

Kemal was hanged at the Bayazid Square, Constantinople, April 10, 1919.

The hanging of Kemal was unusual.

According to the custom a convict sentenced to death must to be hanged at dawn, usually 4 or 5 a.m. and the body must ~~be~~ stay hanged for 5 or 6 hours at the square.

Were ^{present} ~~present~~ ^{the} Gendarmerie Commander of Constantinople, the Police Commissioner with many officers, the Military Governor of the capital accompanied by high ranking officers, the District Attorney General and Judges, the Mayor, military representatives, judicial officers, British and French officials and officers, Turkish ^{Teşkilât-ı Mahsusa} ~~Teşkilât-ı Mahsusa~~ chete-gagngs leaders and chiefs as well as members, national ~~group~~ Fighting group members, Religious Chiefs, and people of every classes.

He was hanged in ^{the} ~~an~~ afternoon, April 10, 1919.

His body was not brought immediately, as usual, to the cemetery and buried without any demonstration, as ~~it~~ was the custom.

Kemal's body was deposited in the washroom (11) of ^{On} ~~the~~ Bayazid Mosque. April 11, 1919, more than ten thousand Turks attended the funeral and the burial of Kemal. These people had the same ideology as Kemal and his fellow citi,

11. In a Turkish Mosque the washroom is not a simple toilet, but a special room where the body use to be washed prior to burial.

zens. According this ideology, the Turkish Government has a right to order~~s~~ massacres; the officials have to obey and carry out the order of massacre issued by the Government; Turkish courts would commit an injustice by sentencing such criminals, and if sentenced, the subject will be a victim, a national hero and Islamic Martyr.

Turkish writers expressed and described this ideology in many newspapers and books. Here is an example:

Teşkilât-ı Mahsusa² leader Colonel Husameddin Ertürk, who was one of those leaders who organized the nationwide funeral^a of governor Kemal Bey, published a book 1964 İki Devrin Perde Arkası², Curtain covering the background of two periods, exposé by Colonel Husameddin Ertürk, written by Samih Hafiz Tansu, published İstanbul, 1946, second edition.

Turkish Text

Türk milletinin bu kahraman evladı, düşman işgalinin bir kurbanı olarak ipe çekilmiş; hatırası bu milletin kalbinde ebediyen yaşamıştır. 12

English translation

This hero, son of ^{the} Turkish nation, being a victim of enemy occupation, was hanged, but his memory shall live eternally in the heart of the Turkish Nation.

" This means that if the Allies had not occupied Constantinople, Kemal of course would not have been tried according to traditional ideology and sentenced to death.

General Vehib Pasha, Third Army Commander of the Cau-

12. İki Devrin Perde Arkası, exposé by Colonel Husameddin Ertürk, written by Samih Hafiz Tansu, İstanbul 1964, p.301.

casian front, described the criminals as "butchers of men", governor Kemal too was a simple "butcher of men". 13

Colonel Husameddin Ertürk and writer Samih Nazif Tansu dedicated five pull pages to praise the "idelist" Kemal, the "victim" of injustice, the national "hero", the Islamic "martyr". 14

In addition, they justified at the same time the massacres carried out by order of Kemal:

Emir büyük yerdeyn, tâ Ittihat ve Terakki Fırkanın Umumî Merkezinden geliyordu, bunun önüne de hiç bir kimse geçemezdi.

The order was issued by High Authority, coming even from the General Headquarters of the Union and Progress Party. No one could oppose such an order. 15

orders he received from the Government. Governor Kemal had obeyed and carried out the orders. Colonel Ertürk and writer Tansu strongly affirm and

insistantly confirm that Kemal could not and ought not to have opposed the order of deportation and massacre which was issued by the General Headquarters of the Union and Progress Party, and communicated to the Governor Kemal Bey by the Ministry of Internal Affairs.

On the other hand the Turkish Constitution and the Extraordinary Court Martial insisted that *The General Headquarters and the Government* they had no right to issue such orders and the official should not have ~~have~~ obeyed such orders

13. General Vehib Pasha's report, unedited, JAJ, No, hl71-182.

14. Op. cit. pp. 297-301.

15. Op. cit. p 297.

and could not have carried out the order he received to conduct the massacre.

He simply had to resign. 16.

Küçük bir kasabanın kaymakamı
bu şifreye nasıl karşı durabilir?
Nasıl verilen talimatı ihlâl ederdi?
İşte Bogazlıyan kaymakamının
suçu bu idi, emre itaat etmesi.

How could ^{the} governor of a little
town oppose the order of this coded
telegram? How could he infringe
upon these instructions?

This was the guilt of the Kay-
makam of Boghazlian. He carried
out the order. 17

Ertürk and Tansu state that the order for deportation and massacre "Tehcir ve katliâm" (18) was issued by the General Headquarters of the Ruling Union and Progress Party of Young Turks, and communicated through the Ministry of ~~the Interior~~ ~~the Ministry of the Interior~~, as ~~Bogazlıyan Kaymakam-ı Mutasar~~ the Interior. No official, especially a Kaymakam or a Mutesarif of a little town such as Boghazlian or Yozgat, had the right to oppose any order.

This is the ideology of Turks living in the last quarter of the twentieth century, with very few exceptions.

16. First session, Yozgat Trial, February 5, 1919. See: Jagadamard, No. 73, (1894), February 6, 1919, and Nor Ghiank, No. 74, February 6, 1919.

17. Op. cit. p. 298.

18. Op. cit. pp. 202, 220, 228, etc. The author and his writer corroborate the fact that both deportation and massacre were perpetrated against the Armenians, using the terms "tehcir ve katliâm".

In the book of Ertürk and Tansu it is made very clear that the massacre of the Armenians was a State Policy, as the decisions were made and orders issued by the General Headquarters of the Union and Progress Party in power, and the orders were communicated by the Government to the governors of the provinces for execution.

The order received by governor Kemal according to Ertürk and Tansu, was as follows:

Dahiliye Nezaretinden şöyle
bir şifre almıştı:

Kazanın dahilinde bulunan Ermenileri 24 saat zarfında yola çıkaracaksınız, bunların sevkedileceği istikamet Suryadır.

Şifrenin alındığının acele
bildiriniz. 19.

He (Kemal) did receive from the Ministry of Internal Affairs the following coded telegram:

You have to deport, within 24 hours, all Armenians from your district. Syria shall be their residence.

Report as soon as you receive the coded telegram.

According to Ertürk and Tansu, governor Kemal had to and was instructed to carry out the order from the Ministry of Internal Affairs. But, the Extraordinary Court Martial insisted, according to the provisions of the Ottoman Constitution, that Kemal had to resign and not carry out the order he received. 20.

19. First session, February 5, 1919, as in Jagadamard and Nor Ghiank, of February 6, 1919. *Op. Cit. p. 300*

20. Ottoman Constitution, p. 4, Section 41: Every official shall be bound to respect and obey his superior, but such obedience shall be confined within (the) limits fixed by

Before dying on the gallows, governor Kemal addressed the following speech to more than ten thousand people gathered at Bayazid Square^{Constantinople}. The speech constitutes in itself the reality of the disposition and inclination of Turkish officials vis-à-vis the cold blooded massacre of the Armenians:

Sevgili vatandaşlarım, ben bir Türk memuruyum. Aldığım emr-i yerine getirdim. Vazifemi yaptığımı vicdanım emindir.

Sizlere yemin ederim ki ben mâsumum. Son sözüm bu gün de budur, yarın da budur.

Ecnebi devletlere yaranmak için beni asıyorlar. Eger adalet buna diyorlarsa kahrolsun böyle adalet.

Dear fellow citizens, I am a Turkish official. I carried out the order; I received. I accomplished my duty ~~quite conscientiously~~ ~~quietly~~ ~~conscientiously~~ ~~nessly~~.

I swear that I am innocent. This is my last statement for today and for tomorrow.

In order to please foreign powers [our government] is hanging me. If this is justice, let such justice perish for ever. 21

The clear and penetrating ideology behind this is that Turkish officials could carry out the order; they received to deport and massacre Armenians, but that the Turkish Extraordinary Court Martial was not to apply justice to such officials who coldbloodedly perpetrated the massacre of women and children, as was usual since the

law. In matters which are (pertain) to law, the plea of obedience to an order of his superior shall not save an official from responsibility.

establishment of the Ottoman Empire 1453-1919.

Ertürk and Tansu incriminate not only the president and the judges of the Court Martial who delivered the death sentence, but also the Mekhitarist Fathers and the Armenian Patriarch of Constantinople.

Execution of Kemal

Reports - informs as to feeling caused by this which is the first instance of condign punishment for participation in massacres.

Not one Turk in a thousand will think that any other Turk deserves to be hanged for massacring Christians. The Committee stand to make a good deal of capital out of these punishments if they continue, and more still if they ~~continue~~ cease.

It might be an advantage to us if the offenders now under arrest were removed from Turkey and held at the disposal of an Allied court.

If the Grand Vizier is too frightened to proceed with penalties he might be glad to hand ^{over} the offenders now.

22/4/19

W.E.E.

Please
Keep orthograph
as it is

the
Washe Gendarmerie Commander Accessory?

The deportation and massacre of the Armenians were carried out in Boghazlian June 1915. Kemal Bey was governor of Boghazlian, the main organizer of massacres, who was promoted August 5, 1915 Acting Mutesarif of Yozgat, where he continued to carry out the massacre.

Tevfik was Gendarmerie Commander in Yozgat, under the jurisdiction of Mutesarif Jemal Bey as long as the latter was in office. As Jemal refused to massacre the Armenians, he was dismissed from office on August 5, 1915, and replaced by Kemal. The dismissal of Jemal was a telegraphic order despatched by Atif Bey, Acting Vali of Ankara.

Atif was a member of the General Headquarters of Union and Progress Party, Deputy for Ankara, a leading member of the "Teshkilati Mahsusa", ^{He} sent in special mission to Ankara, where he dismissed Vali Mazhar Bey, who categorically refused to carry out the orders of massacre given by the General Headquarters of Union and Progress Party and the Ministry of Internal Affairs. Atif replaced Mazhar as Acting Vali of Ankara and carried out the massacre of the Armenians in the State of Ankara.

The Article 45 of the State Penal Code reads:

"In cases where there is no implicitness in the law the joint perpetrators in an offence are punished as is a sole perpetrator of such offence." 1

This Article was amended by the Government of Young Turks June 4, 1911, as follows:

"If several persons unitedly commit a Jinayet (crime) or Junha (delict) or if a Jinayet or Junha is composed of several acts and each of a gang of persons perpetrates one or some of such acts with a view to the accomplishment of the offence, such persons are styled accomplices and all of them are punished as sole perpetrators.

"Those who are accessories in the commission of a Jinayet or Junha become subject to punishment in the following manner where there is no explicitness in the law.

"There is awarded with regard to those who are accessories the punishment of temporary kyurek (hard labor) for not less than ten years if the principal act calls for the punishment of death or perpetual kyurek (hard labor)..."etc 2

1. The Imperial Ottoman Penal Code; a translation from the Turkish text, with latest changes, modifications, additions, etc., by John A. Strachey Bukhill and Haig Apisoghom S, Utidjian, London, H. Milford, 1913, XIX, 243 pp. cls.80.

2. id. op. cit.

The second paragraph of the amended Article 45 of the State Penal Code is a theoretical distinction concerning the principal organizer of a limited crime and his accomplices or accessories.

In this Article ~~there is no~~ ^{there is no} mention of Government Officials or officers. ~~There is either, no~~ ^{neither is there a} question of orders issued by highest authorities or a Party's Program, or in one word State Policy communicated to the government officials of the provinces and districts to exterminate an entire ethnic group.

According to the "Turkish official data more than 33,000 Armenians of Yozgat district were forcibly exiled and the majority of them were massacred in sites previously established ad hoc. Tefvik as Gendarmerie Commander acted against the order of Jemal, who refused to carry out the orders of massacre, and since August 5, 1915, he acted ~~by~~ by order of Kemal for the extermination of 33,000 Armenians. When Kemal arrived to Yozgat, August 6, 1915, more than half of 33,000 Armenians were already massacred.

The distinction contained in Article 45 cannot be applied to Kemal, as Kaymakam og Boghazlian and then Acting Mutesarif of Yozgat has received many orders issued by many authorities. It cannot be applied, either, to Major Commander Tefvik, who in turn has received many orders from hierarchical authorities, specially from Jemal, who gave him order not to massacre.

If Tevfik could and would be considered an accessory to Kemal because the commission of crimes was ordered by the Government, Kemal, too, could and would be considered accessory because he in turn received orders from Atif of Ankara, and Atif of Ankara has received orders from the Minister of Internal Affairs Talaat Pasha, and Talaat Pasha has received order from the General Headquarters of Union and Progress Party.

Or. Tevfik committed crimes partly not only without the order of Kemal, but against the order of Kemal, and partly since August 6, 1915, by order of Kemal. There is no question of accessory because no one Government official or officer, of whatsoever rank, has a right to issue order to commit crimes of massacre, and no subalterne officials has to obey such orders, even issued by the government highest authority.

If the distinction contained in the Article 45 ~~of~~ would and could be applied to the case of massacre organized by the government, there should be only one principal responsible and all the others would be accessories, while Kemal was sentenced to death as a principal responsible.

Turkish Court Martial has quoted the provisions of the Article 170 and applied to the case of Tevfik. The Article 170 as amended on June 4, 1911 by Young Turks' Government, reads as follows:

"The person who premeditatedly kills an individual or willfully kills one of his ancestors of either sex even though without premeditation is put to death."

Although these provisions are cited by the Court Martial, but they are not practically applied to Tevfik, who was sentenced to fifteen years of hard labor.

To illustrate the case of Tevfik, we will give as example what he did in the Armenian village of Kum-Kuyu. Supposed he has received or has not received order to do what he did in Kum-Kuyu, Tevfik personally ~~as~~ as Gendarmerie Commander gave order to burn the village and had more than five hundred Armenians killed. In this case, the provisions of the Article 45 cannot be applied to Tevfik as he is directly responsible of the extermination of more than 500 Armenians of Kum-Kuyu, even after having burned the village, he gave order, to kill the children who had survived and he killed them personally. (See Appendix, documents).

The reader easily may see that there are no provisions of law in the Turkish Penal Code to try ~~the~~ ^{those} responsible ^{for} of massacres, especially massacres ordered and organized by the Turkish Government. As the Turkish Penal Code is based and elaborated according to the provisions of French Penal Code, perhaps some provisions concerning the incitement of ethnic groups to slaughter eac other, but in the Ottoman Empire such incitations

to slaughter were almost unilateral, i.e. only Moslems were incited to slaughter Christians, not vice-versa.

In order to point out the difference between the non-amended and amended Article 45, we are reproducing both in two columns:

Article 45 non-amended.

In cases where there is no explicitness in the law the joint perpetrators in an offence are punished as is a sole perpetrators of such offence.

Article 56

Whosoever dares, by making the people of the Ottoman dominions arm themselves against each other, to instigate or incite them to engage in mutual slaughter, or to bring about acts of rapine, pillage, devastation of country or homicide in divers places is, if the matter of disorder comes into effect entirely or if a commen-

Article 45 amended.

Those who are accessories in the commission of a Jinayet or Junha become subject to punishment in the following manner where there is no explicitness in the ~~law~~ law.

French Article 91.

L'attentat dont le but sera, soit d'exciter la guerre civile en armant ou en portant les citoyens ou habitants à s'armer les uns contre les autres, soit de porter la dévastation, le massacre et le pillage dans une ou plusieurs communes, sera puni de mort. Le complot ayant pour but l'un des crimes prévus au présent article, et la proposition de

cement of the matter of the disorder has been made, likewise put to death.

former ce complot, seront punis des peines portées en l'article 89, suivant les distinctions qui y sont établies. (Loi 28 Avril 1832).

Amended or not, the provisions of the Article 45 were applied by the Court Martial to Tevfik Gendarmerie Commander, who was personally and officially responsible of the extermination of the Armenians by the thousands.

These provisions and the verdict of the Turkish Court Martial show that the Ottoman Government since 1453 had not provided a law concerning wholesale massacres although periodical massacres were carried out in the Ottoman Empire massacre being an administrative measure. Turkish legislature has not felt a need or necessity to provide procedure to try the responsible of periodical massacres, as massacre was a State policy, applied for the suppression of an ethnical group generally Christian in order to consolidate power as in autocratic and theocratic government the application of constitutional provisions are excluded and parliamentary debates eliminated.

The Young Turkish Government amended the provisions of the Article 45 on June 4, 1911, however, Young Turks organized and carried out the massacre of the Armenians in Cilicia April 1909.

The trials which followed the massacres of 1909, were improvised and unprepared so that the Turkish Prime-Minister was obliged to state officially the innocence of the Armenians in Cilicia.

However in the Article 184 of the Ottoman Penal Code one may find provisions to be applied to the State officials and military officers.

"If a person kills an individual by command of an authoritative superior the punishment for a killer is carried out with regard to such superior.

"A~~u~~thoritative superior means a person who is able to destroy the commanded if he opposes his command".

Also the provisions contained in Article 181 can make sense for this case. "If the acts of killing, wounding, or beating are committed together with any sort of disorder or pillaging or plundering of property, besides the punishment to be suffered by those who have specially dared to do these acts, those who are the cause, instigators, or authors of this state of disorder are also punished in exactly the same way..."

As by order of Gendarmerie Tevfik the village of Kum-Kuyu was burned and more than 500 Armenians killed, the village houses destroyed, the provisions of the Articles 166 and 163 may be applied:

"In any case where the fire which takes place becomes the cause of the destructions of one or more

lives on the breaking out at the localities burnt, those who have placed the incendiary bundles are unrestrictedly punished with the punishment of death".

And the amendment made June 1911 provides perpetual hard labor, in the Article 164. While in Article 163, identical provisions gave more precision: "The persons purposely setting fire to and burning any kind of buildings inhabited or uninhabited in the city, town or village or any buildings outside for human use habitable or usable...punished with the punishment of death".

It is absolutely evident that the Turkish Court Martial did not apply these provisions to the case of Gendarmerie ~~X~~ Commander Tevfik.

We may conclude that the Turkish Court Martial did not apply the existing provisions of law and take into consideration the existing documents in the dossiers of Yozgat trial but pleaded an alibi in the theoretical distinction of principal responsible and accessory.